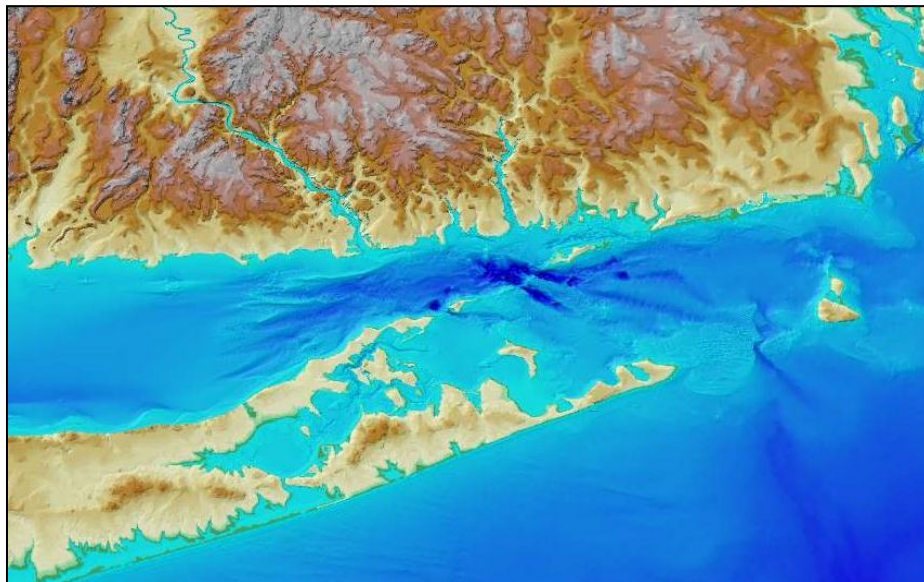


# Supplemental Environmental Impact Statement for the Designation of Dredged Material Disposal Site(s) in Eastern Long Island Sound, Connecticut and New York

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## APPENDIX A

### Public Involvement



Prepared for: **United States Environmental Protection Agency**

Sponsored by: **Connecticut Department of Transportation**

Prepared by: **Louis Berger**  
with support from  
**University of Connecticut**



**Louis Berger**



UCONN

November 2015

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Supplemental Environmental Impact Statement for the Designation  
of Dredged Material Disposal Site(s) in Eastern Long Island Sound,  
Connecticut and New York

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## **APPENDIX A**

### **PUBLIC INVOLVEMENT**

*Prepared for:*

**United States Environmental Protection Agency**  
5 Post Office Square, Suite 100  
Boston, MA 02109

*Sponsored by:*

**Connecticut Department of Transportation**  
Waterways Administration  
2800 Berlin Turnpike  
Newington, CT 06131-7546

*Prepared by:*

**Louis Berger**  
117 Kendrick Street  
Needham, MA 02494

*with support from*

**University of Connecticut**  
Department of Marine Sciences  
1080 Shennecossett Road  
Groton, CT 06340

November 2015

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# **Appendix A-1**

## **PUBLIC INVOLVEMENT SUMMARY**

The Environmental Impact Statement (EIS) process ensures that the public is offered an opportunity for involvement in assessing projects that are subject to environmental review under the National Environmental Policy Act (NEPA) Section 102 and EPA's voluntary NEPA compliance policy. Federal regulations that guide compliance with NEPA for agencies such as USEPA (under 40 CFR Parts 6 and 25) and the U.S. Army Corps of Engineers (under 33 CFR Part 230) and regulations from the Council of Environmental Quality (40 CFR 1500 et seq.) require a public involvement program. An extensive public involvement program was conducted throughout the development of this SEIS to provide the public with information on the EIS process, the progress of studies for the Draft SEIS, and to create opportunities for the public to provide input and comment on the development of this SEIS. In addition, the Public was supplied with information needed to understand the issues surrounding disposal of dredged material in order to make informed comments, and to ask pertinent questions.

This appendix includes the documents that were produced during the public involvement process. Below is a list of documents included in this appendix.

- A-1 Public Involvement Summary
- A-2 Notice of Intent
- A-3 Report of Public Scoping Meetings 1 and 2
- A-4 Report of Public Scoping Meetings 3 and 4
- A-5 Report of Public Meetings 5 and 6
- A-6 Minutes of Cooperating Agency Group Meeting 1
- A-7 Minutes of Cooperating Agency Group Meeting 2
- A-8 Minutes of Cooperating Agency Group Meeting 3
- A-9 Minutes of Cooperating Agency Group Meeting 4
- A-10 Tribal Consultation Letters

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# **Appendix A-2**

## **NOTICE OF INTENT**

CFR 4.36. Comments, motions to intervene, notices of intent, and competing applications may be filed electronically via the Internet. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site <http://www.ferc.gov/docs-filing/efiling.asp>. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at <http://www.ferc.gov/docs-filing/ecomment.asp>. You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or toll free at 1-866-208-3676, or for TTY, (202) 502-8659. Although the Commission strongly encourages electronic filing, documents may also be paper-filed. To paper-file, mail an original and seven copies to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

More information about this project, including a copy of the application, can be viewed or printed on the "eLibrary" link of Commission's Web site at <http://www.ferc.gov/docs-filing/elibrary.asp>. Enter the docket number (P-13432) in the docket number field to access the document. For assistance, contact FERC Online Support.

Dated: October 10, 2012.

**Kimberly D. Bose,**  
Secretary.

[FR Doc. 2012-25398 Filed 10-15-12; 8:45 am]

BILLING CODE 6717-01-P

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-9741-9]

### Notice of Intent: Designation of an Ocean Dredged Material Disposal Site (ODMDS) in Eastern Long Island Sound; Connecticut, New York, and Rhode Island

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of Intent to prepare a Supplemental Environmental Impact Statement (SEIS) to evaluate the potential designation of one or more Ocean Dredged Material Disposal Sites (ODMDS) to serve the eastern Long Island Sound region (Connecticut, New York, and Rhode Island).

**SUMMARY:** EPA is authorized to designate ODMDS under section 102(c) of the Marine Protection, Research and Sanctuaries Act (MPRSA). EPA is preparing the SEIS in accordance with

the Agency's Statement of Policy for Voluntary Preparation of National Environmental Policy Act documents for all ocean disposal site designations. The SEIS will update and build on the analyses that were conducted for the 2005 Long Island Sound Environmental Impact Statement that supported the designation of the Central and Western Long Island Sound disposal sites. The following federal and state agencies have expressed interest in serving as cooperating agencies: U.S. Army Corps of Engineers (USACE), New England and New York Districts; National Oceanic and Atmospheric Administration, National Marine Fisheries Service; Connecticut Department of Energy and Environmental Protection; Connecticut Department of Transportation; New York Department of State; Rhode Island Department of Environmental Management; and Rhode Island Coastal Resources Management Council.

**SUPPLEMENTARY INFORMATION:** The primary statutes governing the open-water disposal of dredged material in the United States are the MPRSA and the Clean Water Act (CWA). The waters of Long Island Sound are *landward* of the baseline from which the territorial sea of the United States is measured. As with other waters lying *landward* of the baseline, all dredged material disposal activities in Long Island Sound, whether from federal or non-federal projects of any size, are subject to the requirements of section 404 of the CWA. The MPRSA generally only applies to dredged material disposal in waters *seaward* of the baseline and would not apply to Long Island Sound but for the 1980 amendment that added section 106(f) to the statute. This provision requires that the disposal of dredged material in Long Island Sound from federal projects (projects carried out under the USACE civil works program or by other federal agencies) and non-federal projects generating more than 25,000 cubic yards of material must comply with the requirements of both CWA section 404 and the MPRSA. This applies to both the designation of specific disposal sites and the assessment of the suitability of specific dredged material for disposal. Disposal from non-federal projects involving 25,000 cubic yards or less of dredged material, however, is subject only to CWA section 404.

**Need for Action:** Dredging is essential for maintaining safe navigation in ports and harbors in the eastern Long Island Sound region. Over the past approximately 30 years, dredged material from eastern Long Island Sound has been disposed of primarily at

the New London and Cornfield Shoals disposal sites. These two sites, both of which were selected by the USACE for short-term use, expire on December 16, 2016.

Therefore, EPA has decided to prepare an SEIS to evaluate the two current sites used in eastern Long Island Sound as well as other sites for, and means of, disposal and management, including the no action alternative. The SEIS will support the EPA's final decision on whether one or more dredged material disposal sites will be designated under the MPRSA. The SEIS will include analysis applying the five general and eleven specific site selection criteria for designating ocean disposal sites presented in 40 CFR 228.5 and 228.6, respectively. Designation of a site does not by itself authorize or result in disposal of any particular material; it only serves to make the designated site a disposal option available for consideration in the alternatives analysis for each individual dredging project in the area.

**Alternatives:** In evaluating the alternatives, the SEIS will identify and evaluate locations within the eastern Long Island Sound study area using the aforementioned criteria to determine the sites that are best suited to receive dredged material for open-water disposal. At a minimum, the SEIS will consider alternatives including:

- No-action (i.e., no designation of any sites);
- Designation of one or both of the currently active USACE-selected sites;
- Designation of alternative open-water sites identified within the study area that may offer environmental advantages to the existing sites; and
- Identification of other disposal and/or management options, including beneficial uses.

**Scoping:** EPA is requesting written comments from federal, state, and local governments, industry, non-governmental organizations, and the general public on the need for action, the range of alternatives considered, and the potential impacts of the alternatives. Scoping comments will be accepted for 45 days from the date of this notice. Public scoping meetings are scheduled at two locations on the following dates: November 14, 2012, 4-7 p.m. at the University of Connecticut, Avery Point auditorium in Groton, CT (<http://www.averypoint.uconn.edu/about/directions.html>) and November 15, 2012, 3-6 p.m. at the Port Jefferson Village Center in Port Jefferson, NY (<http://www.portjeff.com/village-map/>). Registration for both meetings will begin a half-hour before the meeting (3:30

p.m. on November 14 and 2:30 p.m. on November 15).

**FOR FURTHER INFORMATION CONTACT:** For further information and to be placed on the project information distribution list, please contact: Ms. Jean Brochi, U.S. EPA, Region 1, 5 Post Office Square, Suite 100, OEP06-1, Boston, MA 02109-3912, (617) 918-1536, [ELIS@epa.gov](mailto:ELIS@epa.gov). Please contact Ms. Brochi should you have special needs (sign language interpreters, access needs) at the above address or our TDY#, (617) 918-1189.

*Estimated Date of the Draft SEIS Release:* September 30, 2014.

Dated: October 4, 2012.

**H. Curtis Spalding,**

*Regional Administrator, EPA New England.*

[FR Doc. 2012-25420 Filed 10-15-12; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-9741-4]

### Notice of Meeting of the EPA's Children's Health Protection Advisory Committee (CHPAC)

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of meeting.

**SUMMARY:** Pursuant to the provisions of the Federal Advisory Committee Act, Public Law 92-463, notice is hereby given that the next meeting of the Children's Health Protection Advisory Committee (CHPAC) will be held November 7 and 8, 2012 at EPA's Potomac Yards Building (2777 South Crystal Drive, Arlington, VA 22202), Room 4120 North. The CHPAC was created to advise the Environmental Protection Agency on science, regulations, and other issues relating to children's environmental health.

**DATES:** The CHPAC will meet November 7 and 8, 2012.

**ADDRESSES:** 2777 South Crystal Drive, Arlington, VA 22202.

**FOR FURTHER INFORMATION CONTACT:** Martha Berger, Office of Children's Health Protection, USEPA, MC 1107A, 1200 Pennsylvania Avenue NW., Washington, DC 20460, (202) 564-2191 or [berger.martha@epa.gov](mailto:berger.martha@epa.gov).

**SUPPLEMENTARY INFORMATION:** The meetings of the CHPAC are open to the public. The CHPAC will meet on Wednesday, November 7th from 9 a.m. to 5 p.m., and Thursday, November 8th from 9 a.m. to 12 p.m. Agenda items include discussions on lead and children, prenatal environmental exposures and health disparities.

*Access and Accommodations:* For information on access or services for individuals with disabilities, please contact Martha Berger at 202-564-2191 or [berger.martha@epa.gov](mailto:berger.martha@epa.gov), preferably at least 10 days prior to the meeting.

Dated: October 4, 2012.

**Martha Berger,**

*Designated Federal Official.*

[FR Doc. 2012-25424 Filed 10-15-12; 8:45 am]

**BILLING CODE 6560-50-P**

## EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

### SES Performance Review Board; Appointment of Members

**AGENCY:** Equal Employment Opportunity Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given of the appointment of members to the Performance Review Board of the Equal Employment Opportunity Commission.

**FOR FURTHER INFORMATION CONTACT:** Lisa M. Williams, Chief Human Capital Officer, U.S. Equal Employment Opportunity Commission, 131 M Street NE., Washington, DC 20507, (202) 663-4306.

#### SUPPLEMENTARY INFORMATION:

Publication of the Performance Review Board (PRB) membership is required by 5 U.S.C. 4314(c)(4). The PRB reviews and evaluates the initial appraisal of a senior executive's performance by the supervisor, and makes recommendations to the Chair, EEOC, with respect to performance ratings, pay level adjustments and performance awards.

The following are the names and titles of executives appointed to serve as members of the SES PRB. Members will serve a 12-month term, which begins on October 22, 2012.

#### PRB Chair

Mr. Reuben Daniels, Director, Charlotte District Office, Equal Employment Opportunity Commission.

#### Members

Mr. Kevin J. Berry, Director, New York District Office, Equal Employment Opportunity Commission;

Ms. Katherine E. Bissell, Deputy Solicitor for Regional Enforcement, Department of Labor;

Ms. Kathryn A. Ellis, Assistant General Counsel, Division of Educational Equity and Research, and Agency Dispute Resolution Specialist, Department of Education;

Mr. James L. Lee, Deputy General Counsel, Equal Employment Opportunity Commission;

Mr. Webster N. Smith, Director, Indianapolis District Office, Equal Employment Opportunity Commission.

#### Alternate

Mr. Dexter R. Brooks, Director, Federal Sector Programs, Equal Employment Opportunity Commission.

Dated: October 11, 2012.

By the direction of the Commission.

**Jacqueline A. Berrien,**

*Chair.*

[FR Doc. 2012-25443 Filed 10-15-12; 8:45 am]

**BILLING CODE 6570-01-P**

## FEDERAL COMMUNICATIONS COMMISSION

### Information Collection(s) Being Submitted for Review and Approval to the Office of Management and Budget (OMB)

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice; request for comments.

**SUMMARY:** As part of its continuing effort to reduce paperwork burden and as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3502-3520), the Federal Communications Commission invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s). Comments are requested concerning: whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimates; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid OMB control number.

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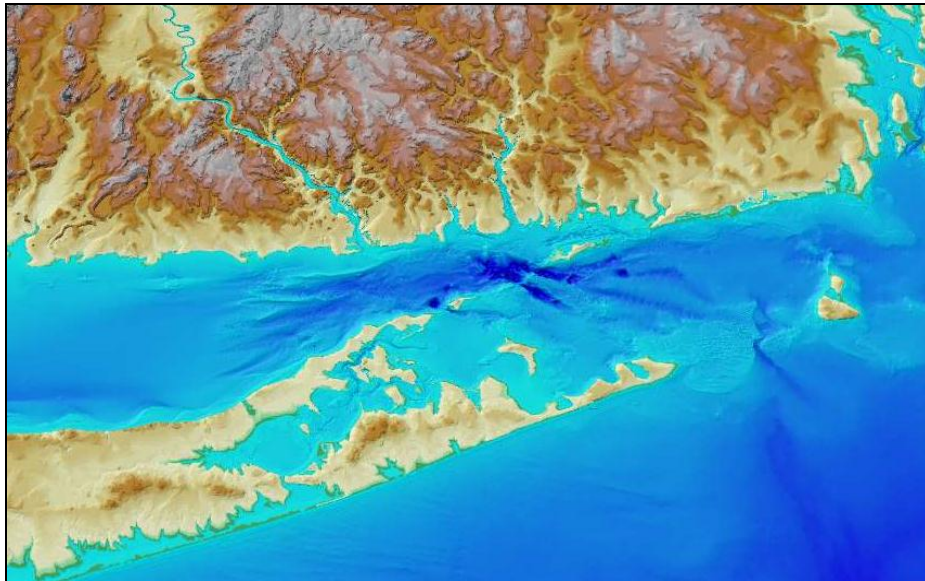
# **Appendix A-3**

## **REPORT OF PUBLIC SCOPING MEETINGS 1 AND 2**

# Supplemental Environmental Impact Statement for the Designation of Dredged Material Disposal Sites in Eastern Long Island Sound, Connecticut and New York

---

## Report of Public Scoping Meetings 1 (Groton, CT) and 2 (Riverhead, NY) Regarding the Notice of Intent



Prepared for: **United States Environmental Protection Agency**

Sponsored by: **Connecticut Department of Transportation**

Prepared by: **The Louis Berger Group, Inc.**  
(under contract to the University of Connecticut)



July 2013



**REPORT OF  
PUBLIC SCOPING MEETINGS 1 (GROTON, CT)  
AND 2 (RIVERHEAD, NY)  
REGARDING THE NOTICE OF INTENT**

Held on November 14, 2012 (Groton), and January 9, 2013 (Riverhead)

*Prepared for:*  
**United States Environmental Protection Agency**  
5 Post Office Square, Suite 100  
Boston, MA 02109

*Sponsored by:*  
**Connecticut Department of Transportation**  
Waterways Administration  
2800 Berlin Turnpike  
Newington, CT 06131-7546

*Prepared by:*  
**The Louis Berger Group, Inc.**  
117 Kendrick Street  
Needham, MA 02494

*Subcontractor to:*  
**University of Connecticut**  
Department of Marine Sciences  
1080 Shennecossett Road  
Groton, CT 06340

July 8, 2013

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Attachment 5: Transcripts of Public Comments, Groton, Connecticut, November 14, 2012	
Attachment 6: Transcripts of Public Comments, Riverhead, New York, January 9, 2013	
Attachment 7: Written Statements	

## **EXECUTIVE SUMMARY**

This report provides a summary of the first two scoping meetings as part of the Supplemental Environmental Impact Statement (SEIS) process for the designation of dredged material disposal sites in Eastern Long Island Sound. The SEIS will supplement the Environmental Impact Statement (EIS) for the designation of dredged material disposal sites in the Western and Central Long Island Sound, completed in 2004. The SEIS is prepared for the U.S. Environmental Protection Agency (USEPA), and supported by the Connecticut Department of Transportation (CTDOT). The study will be conducted in consultation with other federal and state agencies of New York State and Connecticut, as well as with consultation of the public.

The two scoping meetings were held in Groton (CT) on November 14, 2012, and in Riverhead (NY) on January 9, 2013. The primary purpose of these meetings was to solicit public input on the Notice of Intent to proceed with a potential designation of one or more dredged material disposal sites. The comment period was extended to January 31, 2013. Comments were received at the meeting (orally and in hardcopy format) as well as by electronic transmittal to *ELIS@epa.gov*.

## **1. Introduction**

In 2005, the USEPA designated the Western and Central Long Island Sound dredged material disposal sites, following the preparation of an EIS. The two disposal sites in the Eastern Long Island Sound, Cornfield Shoals and New London, are scheduled to close in December 2016. The EPA plans to prepare a Supplemental EIS (SEIS) for the potential designation of one or more disposal sites needed to serve the Eastern Long Island Sound region (as stated in the Notice of Intent; Attachment 1). The SEIS will be prepared in accordance with Section 102(c) of the Marine Protection Research and Sanctuaries Act (MPRSA; also referred to as Ocean Dumping Act [ODA]) of 1972. The USEPA has the responsibility of designating sites under Section 102(c) of the Act and 40 CFR Part 228.4 of its regulations. The SEIS is supported by the State of Connecticut through the Connecticut Department of Transportation (CTDOT).

## **2. Scoping Meetings**

In accordance with USEPA's voluntary NEPA policy, the USEPA conducts a public outreach process. The process continues a long and rich history of public involvement and participation in environmental decision-making. In keeping with this tradition, and to satisfy the numerous statutory and regulatory requirements to which this proposed action is subject, the USEPA is conducting an extensive public involvement program throughout the development of the SEIS. Scoping meetings 1 and 2 are the beginning of that process.

The first public involvement step is the publication of a Notice of Intent (NOI) in the Federal Register, which occurred on October 16, 2012 (Federal Register, 10/16/2012, v. 77, no. 200, p. 63312-13; Attachment 1). The Notice of Intent outlines the agencies involved, the proposed action, the purpose, a project summary, the need for the SEIS, the date, time and place of the public scoping meetings, and a website for additional information.

USEPA scheduled the public scoping meetings 1 and 2 in Connecticut and New York State to discuss the goals of the project. The public was invited to attend and identify issues that should be addressed in the SEIS. Comments were presented either as oral statements during the meetings and/or as written statements submitted during or up to three weeks after the second meeting (i.e., through January 31, 2013). Meetings were held on the following dates:

- November 14, 2012      University of Connecticut, Avery Point, Groton, Connecticut
- January 9, 2013        Suffolk County Community College, Riverhead, New York

The meeting on January 9 was originally scheduled to be held on November 15, 2012, but had to be postponed due to Hurricane Sandy. The postponement was announced in USEPA's press release (Attachment 2).

All public scoping activities up to February 1, 2013 are summarized below:

- July 2012: USEPA requested Cooperating Agency response
- Oct. 16, 2012: Notice of Intent (NOI) published in Federal Register (Attachment 1)  
  
USEPA Region 2 sent out an invitation letter to the public
- Nov. 8, 2012: Press Release was issued by EPA Region 1 (Attachment 2)  
  
Announcement on USEPA's website that public scoping meeting originally scheduled for November 15, 2012 in Riverhead, New York, was postponed due to Hurricane Sandy.
- Nov. 14, 2012: Public scoping meeting at UCONN, Groton, CT. USEPA announced at the meeting that the public comment period for NOI was extended to January 31, 2013.
- Dec. 17, 2012: USEPA Region 1 and Region 2 hosted meeting for Region 2 and Fishers Island Conservancy.
- Jan. 2, 2013: Announcement of new date for New York meeting was sent via EPA email server. Also, the notice of New York meeting and extension of public comment period was published in Federal Register.
- Jan. 4, 2013: Press Release issued by EPA Region 1 (Attachment 2)
- Jan. 8, 2013: Cooperating Agency meeting was held at CTDOT office in Newington, CT.
- Jan. 9, 2013: Public scoping meeting was held at Suffolk Community College, Riverhead, New York.
- Jan. 31, 2013: Additional written comments were submitted to USEPA.

### 3. Agendas of Scoping Meetings

The Groton (CT) meeting was held on November 14, 2012 between 3:30pm and 7:00pm. The Riverhead (NY) meeting was held on January 9, 2013 between 2:00pm and 5:30pm. The format and agenda of each meeting was identical, with the exception that the meeting in Riverhead started 1.5 hours earlier than the meeting in Groton:

---

CT time	NY time	Agenda Item
<hr/>		
3:30 pm	2:00pm	<i>Registration</i>
4:00 pm	2:30pm	<i>Ground Rules/Logistics</i> Mr. Niek Veraart, The Louis Berger Group, Inc.
4:05 pm	2:35pm	<i>Welcome/EPA's Role in Disposal Site Designations</i> Mel Coté, Manager, Ocean and Coastal Protection Unit, EPA Region 1
4:10 pm	2:40pm	<i>Where We've Been: Designation of the Central and Western Long Island Sound Dredged Material Disposal Sites</i> Mel Coté, Manager, Ocean and Coastal Protection Unit, EPA Region 1
4:20pm	2:50pm	<i>Where We Are Now: Long Island Sound Dredged Material Management – the Need for Dredging and the Corps of Engineer's Role</i> Mark Habel, U.S. Army Corps of Engineers, New England District
4:30 pm	3:00pm	<i>Where We're Going: SEIS for the Eastern Long Island Sound Region</i> Jean Brochi, Project Manager, Ocean and Coastal Protection Unit, EPA Region 1
4: 40 pm	3:10pm	<i>State of Connecticut's Role</i> George Wisker, Connecticut Department of Energy and Environmental Protection
4:50 pm	3:20pm	<i>State of New York's Role</i> Jennifer Street, New York Department of State
5:00 pm	3:30pm	<i>Public Comments and Discussion</i> Mr. Niek Veraart, The Louis Berger Group, Inc.
7:00 pm	5:30pm	<i>Adjourn</i>

---

## 4. Meeting Summary

Scoping is part of the NEPA process through which federal agencies discuss the purpose of and need for the proposed action; the projected area extent and range of potential impacts resulting from the proposed action; and the studies necessary to determine the extent of potential impacts resulting from these actions. Public scoping meetings 1 and 2 explained the roles of agencies, explained the project, and requested public comment in the Notice of Intent.

The lists of Attendees as well as the lists of Commenters/Speakers from the Public are provided in Attachment 3. Presentations given by representatives from federal (USEPA, USACE) and state agencies (CTDEEP, NYDOS) are provided in Attachment 4. Transcripts, required for both meetings, were prepared by Ms. Sarah Miner from Brandon Smith Reporting & Video (Groton meeting) and by Ms. Charmaine DeRosa from Alliance Reporting Service, Inc. (Riverhead meeting); their transcripts are enclosed as Attachments 5 and 6, respectively.

Following is a summary of the two meetings:

- **Attendees:** A total of 44 attendees signed in at the Groton meeting; a total of 32 attendees signed in at the Riverhead meeting. Both numbers included two speakers from USEPA, and one speaker each from Connecticut Department of Energy and Environment, U.S. Army Corps of Engineers, and New York Department of State. Attendees at both meetings included members from the Public; non-profit organizations; private companies such as marinas owners, consultants, and ferry operators; state and federal agency representatives; and representatives of government officials.
- **Commenters:** At each meeting, seven individuals commented after the presentations were given by USEPA, USACE, CTDEEP, and NYDOS. Also at each meeting, two commenters provided written comments in addition to their oral comments.
- **Written Comments:** A total of 19 letters and emails were received by the USEPA between November 6, 2012 and February 11, 2013 (Table 1). Specifically, as stated above, four written comment letters were received at the two scoping meetings (included in Attachment 7). An additional 14 emails and letters were received within the comment period through January 31, 2013; seven of these emails/letters contained project-specific comments (also included in Attachment 7). Another letter was received after the comment period and is therefore not included in this report; USEPA will respond separately.

**Table 1: Correspondence and comments received from the Public.**

Commenter	Agency	Method	Date	Time Received	Comments Attached*	Reply Date	Reply Time
Brett Hillman	Fish & Wildlife Service	E-Mail	11/6/2012	9:57am	--	11/7/2012	9:05 am
Louis W. Burch	Citizens Campaign for the Environment	In-Hand	11/14/2012	at meeting	(1)		
Adam Wronowski	Cross Sound Ferry	In-Hand	11/14/2012		(2)		
Jeannine Dube	Fish & Wildlife Service	E-Mail	11/15/2012	7:24 am	(3)		
William Gash	CT Maritime	E-Mail	11/15/2012	10:27 am	--	11/29/2012	12:00 pm
John Gardiner	Spicer's Marina	E-Mail	11/28/2012	11:43 am	--	11/29/2012	12:01 pm
William Gash	CT Maritime	E-Mail	12/3/2012	9:30 am	--	12/3/2012	1:53 pm
Timothy C. Visel		E-Mail	12/12/2012	2:37 pm	(4)		
Adele King Malone	NV Division of Environmental Protection	E-Mail	1/7/2013	11:23 am	--	1/7/2013	5:01 pm
Maureen Dolan Murphy	Citizens Campaign for the Environment	In-Hand	1/9/2013	at meeting	(5)		
Robert Evans	Fishers Island Conservancy	In-Hand	1/9/2013		(6)		
Marguerite Purnell	Fishers Island Conservancy	E-Mail	1/22/2013	12:01 pm	--	1/22/2013	12:40 pm
Jennifer Hartnagel	Group for the East End	E-Mail	1/24/2013	2:40 pm	--	1/30/2013	4:09 pm
Leah Schmalz	Save the Sound/CT Fund for the Environment	E-Mail	1/24/2013	5:07 pm	(7)	1/29/2013	11:23 am
Timothy C. Visel		E-Mail	1/29/2013	2:30 pm	(8)		
Scott A. Russell / Mark Terry	Town of Southold	E-Mail	1/31/2013	3:34 pm	(9)	1/31/2013	4:09 pm
Fred Anders / Jennifer Street	NY DOS	E-Mail	1/31/2013	4:47 pm	(10)	1/31/2013	4:58 pm
Marguerite Purnell	Fishers Island Conservancy	E-Mail	1/31/13	11:59 pm	(11)	2/1/2013	10:15 am
Timothy H. Bishop	House of Representatives, 1st District, NY	Mail	2/11/2013	**			

\* The number in brackets refers to the comment number provided in Attachment 7. A dash means the email did not contain project-specific comments; the email was therefore not attached.

\*\* Comment letter not attached as it was received after the end of the comment period; USEPA will respond separately.



# **Attachment 1**

## **NOTICE OF INTENT**

CFR 4.36. Comments, motions to intervene, notices of intent, and competing applications may be filed electronically via the Internet. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site <http://www.ferc.gov/docs-filing/efiling.asp>. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at <http://www.ferc.gov/docs-filing/ecomment.asp>. You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or toll free at 1-866-208-3676, or for TTY, (202) 502-8659. Although the Commission strongly encourages electronic filing, documents may also be paper-filed. To paper-file, mail an original and seven copies to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

More information about this project, including a copy of the application, can be viewed or printed on the "eLibrary" link of Commission's Web site at <http://www.ferc.gov/docs-filing/elibrary.asp>. Enter the docket number (P-13432) in the docket number field to access the document. For assistance, contact FERC Online Support.

Dated: October 10, 2012.

**Kimberly D. Bose,**  
Secretary.

[FR Doc. 2012-25398 Filed 10-15-12; 8:45 am]

BILLING CODE 6717-01-P

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-9741-9]

### Notice of Intent: Designation of an Ocean Dredged Material Disposal Site (ODMDS) in Eastern Long Island Sound; Connecticut, New York, and Rhode Island

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of Intent to prepare a Supplemental Environmental Impact Statement (SEIS) to evaluate the potential designation of one or more Ocean Dredged Material Disposal Sites (ODMDS) to serve the eastern Long Island Sound region (Connecticut, New York, and Rhode Island).

**SUMMARY:** EPA is authorized to designate ODMDS under section 102(c) of the Marine Protection, Research and Sanctuaries Act (MPRSA). EPA is preparing the SEIS in accordance with

the Agency's Statement of Policy for Voluntary Preparation of National Environmental Policy Act documents for all ocean disposal site designations. The SEIS will update and build on the analyses that were conducted for the 2005 Long Island Sound Environmental Impact Statement that supported the designation of the Central and Western Long Island Sound disposal sites. The following federal and state agencies have expressed interest in serving as cooperating agencies: U.S. Army Corps of Engineers (USACE), New England and New York Districts; National Oceanic and Atmospheric Administration, National Marine Fisheries Service; Connecticut Department of Energy and Environmental Protection; Connecticut Department of Transportation; New York Department of State; Rhode Island Department of Environmental Management; and Rhode Island Coastal Resources Management Council.

**SUPPLEMENTARY INFORMATION:** The primary statutes governing the open-water disposal of dredged material in the United States are the MPRSA and the Clean Water Act (CWA). The waters of Long Island Sound are *landward* of the baseline from which the territorial sea of the United States is measured. As with other waters lying landward of the baseline, all dredged material disposal activities in Long Island Sound, whether from federal or non-federal projects of any size, are subject to the requirements of section 404 of the CWA. The MPRSA generally only applies to dredged material disposal in waters *seaward* of the baseline and would not apply to Long Island Sound but for the 1980 amendment that added section 106(f) to the statute. This provision requires that the disposal of dredged material in Long Island Sound from federal projects (projects carried out under the USACE civil works program or by other federal agencies) and non-federal projects generating more than 25,000 cubic yards of material must comply with the requirements of both CWA section 404 and the MPRSA. This applies to both the designation of specific disposal sites and the assessment of the suitability of specific dredged material for disposal. Disposal from non-federal projects involving 25,000 cubic yards or less of dredged material, however, is subject only to CWA section 404.

**Need for Action:** Dredging is essential for maintaining safe navigation in ports and harbors in the eastern Long Island Sound region. Over the past approximately 30 years, dredged material from eastern Long Island Sound has been disposed of primarily at

the New London and Cornfield Shoals disposal sites. These two sites, both of which were selected by the USACE for short-term use, expire on December 16, 2016.

Therefore, EPA has decided to prepare an SEIS to evaluate the two current sites used in eastern Long Island Sound as well as other sites for, and means of, disposal and management, including the no action alternative. The SEIS will support the EPA's final decision on whether one or more dredged material disposal sites will be designated under the MPRSA. The SEIS will include analysis applying the five general and eleven specific site selection criteria for designating ocean disposal sites presented in 40 CFR 228.5 and 228.6, respectively. Designation of a site does not by itself authorize or result in disposal of any particular material; it only serves to make the designated site a disposal option available for consideration in the alternatives analysis for each individual dredging project in the area.

**Alternatives:** In evaluating the alternatives, the SEIS will identify and evaluate locations within the eastern Long Island Sound study area using the aforementioned criteria to determine the sites that are best suited to receive dredged material for open-water disposal. At a minimum, the SEIS will consider alternatives including:

- No-action (i.e., no designation of any sites);
- Designation of one or both of the currently active USACE-selected sites;
- Designation of alternative open-water sites identified within the study area that may offer environmental advantages to the existing sites; and
- Identification of other disposal and/or management options, including beneficial uses.

**Scoping:** EPA is requesting written comments from federal, state, and local governments, industry, non-governmental organizations, and the general public on the need for action, the range of alternatives considered, and the potential impacts of the alternatives. Scoping comments will be accepted for 45 days from the date of this notice. Public scoping meetings are scheduled at two locations on the following dates: November 14, 2012, 4-7 p.m. at the University of Connecticut, Avery Point auditorium in Groton, CT (<http://www.averypoint.uconn.edu/about/directions.html>) and November 15, 2012, 3-6 p.m. at the Port Jefferson Village Center in Port Jefferson, NY (<http://www.portjeff.com/village-map/>). Registration for both meetings will begin a half-hour before the meeting (3:30

p.m. on November 14 and 2:30 p.m. on November 15).

**FOR FURTHER INFORMATION CONTACT:** For further information and to be placed on the project information distribution list, please contact: Ms. Jean Brochi, U.S. EPA, Region 1, 5 Post Office Square, Suite 100, OEP06-1, Boston, MA 02109-3912, (617) 918-1536, [ELIS@epa.gov](mailto:ELIS@epa.gov). Please contact Ms. Brochi should you have special needs (sign language interpreters, access needs) at the above address or our TDY#, (617) 918-1189.

*Estimated Date of the Draft SEIS Release:* September 30, 2014.

Dated: October 4, 2012.

**H. Curtis Spalding,**

*Regional Administrator, EPA New England.*

[FR Doc. 2012-25420 Filed 10-15-12; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-9741-4]

### Notice of Meeting of the EPA's Children's Health Protection Advisory Committee (CHPAC)

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of meeting.

**SUMMARY:** Pursuant to the provisions of the Federal Advisory Committee Act, Public Law 92-463, notice is hereby given that the next meeting of the Children's Health Protection Advisory Committee (CHPAC) will be held November 7 and 8, 2012 at EPA's Potomac Yards Building (2777 South Crystal Drive, Arlington, VA 22202), Room 4120 North. The CHPAC was created to advise the Environmental Protection Agency on science, regulations, and other issues relating to children's environmental health.

**DATES:** The CHPAC will meet November 7 and 8, 2012.

**ADDRESSES:** 2777 South Crystal Drive, Arlington, VA 22202.

**FOR FURTHER INFORMATION CONTACT:** Martha Berger, Office of Children's Health Protection, USEPA, MC 1107A, 1200 Pennsylvania Avenue NW., Washington, DC 20460, (202) 564-2191 or [berger.martha@epa.gov](mailto:berger.martha@epa.gov).

**SUPPLEMENTARY INFORMATION:** The meetings of the CHPAC are open to the public. The CHPAC will meet on Wednesday, November 7th from 9 a.m. to 5 p.m., and Thursday, November 8th from 9 a.m. to 12 p.m. Agenda items include discussions on lead and children, prenatal environmental exposures and health disparities.

*Access and Accommodations:* For information on access or services for individuals with disabilities, please contact Martha Berger at 202-564-2191 or [berger.martha@epa.gov](mailto:berger.martha@epa.gov), preferably at least 10 days prior to the meeting.

Dated: October 4, 2012.

**Martha Berger,**

*Designated Federal Official.*

[FR Doc. 2012-25424 Filed 10-15-12; 8:45 am]

**BILLING CODE 6560-50-P**

## EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

### SES Performance Review Board; Appointment of Members

**AGENCY:** Equal Employment Opportunity Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given of the appointment of members to the Performance Review Board of the Equal Employment Opportunity Commission.

**FOR FURTHER INFORMATION CONTACT:** Lisa M. Williams, Chief Human Capital Officer, U.S. Equal Employment Opportunity Commission, 131 M Street NE., Washington, DC 20507, (202) 663-4306.

#### SUPPLEMENTARY INFORMATION:

Publication of the Performance Review Board (PRB) membership is required by 5 U.S.C. 4314(c)(4). The PRB reviews and evaluates the initial appraisal of a senior executive's performance by the supervisor, and makes recommendations to the Chair, EEOC, with respect to performance ratings, pay level adjustments and performance awards.

The following are the names and titles of executives appointed to serve as members of the SES PRB. Members will serve a 12-month term, which begins on October 22, 2012.

#### PRB Chair

Mr. Reuben Daniels, Director, Charlotte District Office, Equal Employment Opportunity Commission.

#### Members

Mr. Kevin J. Berry, Director, New York District Office, Equal Employment Opportunity Commission;

Ms. Katherine E. Bissell, Deputy Solicitor for Regional Enforcement, Department of Labor;

Ms. Kathryn A. Ellis, Assistant General Counsel, Division of Educational Equity and Research, and Agency Dispute Resolution Specialist, Department of Education;

Mr. James L. Lee, Deputy General Counsel, Equal Employment Opportunity Commission;

Mr. Webster N. Smith, Director, Indianapolis District Office, Equal Employment Opportunity Commission.

#### Alternate

Mr. Dexter R. Brooks, Director, Federal Sector Programs, Equal Employment Opportunity Commission.

Dated: October 11, 2012.

By the direction of the Commission.

**Jacqueline A. Berrien,**

*Chair.*

[FR Doc. 2012-25443 Filed 10-15-12; 8:45 am]

**BILLING CODE 6570-01-P**

## FEDERAL COMMUNICATIONS COMMISSION

### Information Collection(s) Being Submitted for Review and Approval to the Office of Management and Budget (OMB)

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice; request for comments.

**SUMMARY:** As part of its continuing effort to reduce paperwork burden and as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3502-3520), the Federal Communications Commission invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s). Comments are requested concerning: whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimates; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid OMB control number.

## **Attachment 2**

### **PRESS RELEASES**

- CT Meeting Announcement on EPA's Website
- NY Meeting Announcement on EPA's Website



## News Releases By Date

- EPA's Dredged Material Management in Long Island Sound (<http://www.epa.gov/region1/eco/lisdred/index.html>)



United States Environmental Protection Agency

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## News Releases By Date

### Public Meeting on 2012 E. Long Island Sound Dredged Material Supplemental EIS

Release Date: 01/04/2013

Contact Information: David Deegan, (617) 918-1017

(Boston, Mass. – Jan. 4, 2013) – EPA has released a Notice of Intent to prepare a Supplemental Environmental Impact Statement to evaluate the potential designation of one or more dredged material disposal sites in Eastern Long Island Sound, and will host a public meeting in Riverhead, N.Y. on Wednesday, Jan. 9.

The Supplemental Environmental Impact Statement (SEIS) is being developed with the input of other federal and state "cooperating agencies" and a wide range of stakeholders from the states of New York, Connecticut, and Rhode Island. The SEIS will update and build on the analyses that were conducted for the 2004 Long Island Sound Environmental Impact Statement that supported the designation of the Central and Western Long Island Sound disposal sites. EPA plans to complete the SEIS within three years and will provide numerous opportunities for public review and input throughout the entire process.

The Jan. 9 public meeting will present the plan for the SEIS outlined in the Notice of Intent and ask for public input. A meeting previously scheduled in Port Jefferson, N.Y. for Nov. 15 was postponed due to the Hurricane Sandy recovery efforts on Long Island. The meeting details are listed below:

**Date:** Wednesday, January 9, 2013

**Time:** 2:30 p.m. – 5:30 p.m., registration will begin at 2:00 p.m.

**Location:** Suffolk County Community College  
Culinary Arts Center  
Room 135  
20 East Main Street, Riverhead, NY 11901

**Directions:** Available at ([http://department.sunysuffolk.edu/CulinaryArts\\_E/3232.asp](http://department.sunysuffolk.edu/CulinaryArts_E/3232.asp))

More information:

- EPA's Notice of Intent was published in the Federal Register on Oct. 16, 2012

(<https://www.federalregister.gov/articles/2012/10/16/2012-25420/notice-of-intent-designation-of-an-ocean-dredged-material-disposal-site-odmds-in-eastern-long-island>)

- EPA's Dredged Material Management in Long Island Sound (<http://www.epa.gov/region1/ecolisdreg/index.html>)

**Attachment 3**

**LISTS OF ATTENDEES**

**AND**

**LISTS OF COMMENTERS/SPEAKERS FROM THE PUBLIC**

- Groton, CT                      November 14, 2012
- Riverhead, NY                January 9, 2013

**Environmental Protection Agency: Public Meetings Regarding the Supplemental Impact Statement  
for the Eastern Long Island Sound Dredged Material Disposal Site Designation**

**Groton, CT, November 14, 2012**

**ATTENDEE SIGN-IN**

*Note: Addresses and contact information was provided on the original Sign-in sheet but not listed here for privacy reasons. Spelling of names and organizations was verified, if needed, using the internet. Information not provided is marked with 'n/a'. Names are listed in the order shown on the Sign-in sheet.*

<b>NAME</b>	<b>ORGANIZATION</b>
Ernest Libby	Brewer Yacht Yards
Kimberly Junia	Congresswoman DeLauro
Robert Michalik	Congressman Murphy
Abbie Coderre	Saybrook Point Marina
Ivar Babb	University of Connecticut
Bill Heiple	Triton Environmental
William Gash	Connecticut Maritime Coalition (CMC)
Alan Strunk	Ocean Interest, Inc.
Cathy Rogers	USACE–NAE (New England District)
Jim Latimer	EPA – ORD (Office of Research and Development)
Drew Carey	CoastalVision
William Hubbard	USACE – NAE (New England District)
Chuck Beck	CTDOT
Lynn McLeod	Battelle
Joseph Salvatore	CTDOT
Rudy Brown	USEPA
George Wisker	CT Department of Energy and Environmental Protection
Hope Fish	n/a
Carlton Hunt	Battelle
Lewis Burch	Citizens Campaign for the Environment
Dan Goulet	RI CRMC (Coastal Resources Management Council)
Tracey McKenzie	U.S. Navy
Erika Fuery	Cardno TEC, Inc.
James Leary	New York State Department of State
Kari Gathen	New York State Department of State
Jennifer Street	New York State Department of State
n/a	Fishers Island Conservancy
Andrew Ahrens	Fishers Island Conservancy
James O'Donnell	University of Connecticut
B. Kuryla	Port Milford
Bob Soder	Triton Environmental
Judy Benson	The Day
Mel Cote	USEPA
Gary Connoll	Shennecossett Yacht Club



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NAME	ORGANIZATION
Kathy Hall	Cardno TEC, Inc.
Paul Barton	Harbor One Marina
Josh Strunk	Ocean Interests, Inc.
Chris Drake	n/a
Tim Visel	n/a
Riju Das	Senator Blumenthal's office
Christian McGugan	Gwenmor Contracting
Adam Wronowski	Long Island Ferry
Jeannie Brochi	USEPA
Alicia Grimaldi	USEPA

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### COMMENTS/SPEAKER SIGN-IN

*Note: Affiliation, if not provided on the Speaker Sign-In sheet, were taken from the Attendee Sign-in sheet and listed in brackets below.*

NAME	ORGANIZATION	SUMMARY OF COMMENTS
Louis W. Burch	Citizens Campaign for the Environment	-
Adam Wronowski	Cross Sound Ferry	Economic, solid, environmental impacts of no ELISA disposal site
Christian McGugan	Gwenmor Contracting	-
Tim Visel	n/a	-
William Gash	Connecticut Maritime Coalition (CMC)	Response to CCE (Citizens Campaign for the Environment)
Jeff Kately	Connecticut Dredge Corporation	-
Abbie Coderre	(Saybrook Point Marina)	-

Location: UConn Avery Point Date: 11/14/12

### COMMENTER/SPEAKER SIGN-UP

Environmental Protection Agency: Public Meetings Regarding the Supplemental Environmental Impact Statement  
for the Eastern Long Island Sound Dredged Material Disposal Site Designation


Name & Organization	Summary of Comments	Are you providing written comments?
Louis W. Burch Citizens Campaign for the Environment		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
ADAM Wronowski Cross Sound Ferry	Economic, Social, Environmental Impacts of NO ELIS Disposal Site	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Christian McGowan Guarneri Contracting		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Tim Visel		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
		<input type="checkbox"/> Yes <input type="checkbox"/> No
		<input type="checkbox"/> Yes <input type="checkbox"/> No

Location: UConn Avery Point Date: 11/14

### COMMENTER/SPEAKER SIGN-UP

Environmental Protection Agency: Public Meetings Regarding the Supplemental Environmental Impact Statement  
for the Eastern Long Island Sound Dredged Material Disposal Site Designation

Name & Organization	Summary of Comments	Are you providing written comments?
Connecticut Maritime Coalition William Gash Jeff Kestley	response to CCE -	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
CT Dredge @ comcast.net		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Abbie Cedore		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
		<input type="checkbox"/> Yes <input type="checkbox"/> No
		<input type="checkbox"/> Yes <input type="checkbox"/> No
		<input type="checkbox"/> Yes <input type="checkbox"/> No
		<input type="checkbox"/> Yes <input type="checkbox"/> No
		<input type="checkbox"/> Yes <input type="checkbox"/> No
		<input type="checkbox"/> Yes <input type="checkbox"/> No

 **EPA** United States Environmental Protection Agency New England

**Environmental Protection Agency: Public Meetings Regarding the Supplemental Impact Statement  
for the Eastern Long Island Sound Dredged Material Disposal Site Designation**

**Riverhead, NY, January 9, 2013**

**ATTENDEE SIGN-IN**

*Note: Addresses and contact information was provided on the original Sign-in sheet but not listed here for privacy reasons. Spelling of names and organizations was verified, if needed, using the internet. Information not provided is marked with 'n/a'. Names are listed in the order shown on the Sign-in sheet.*

<b>NAME</b>	<b>ORGANIZATION</b>
Alicia Grimaldi	USEPA, Region 1
Mel Coté	USEPA, Region 1
Maureen Dolan	Citizens Campaign of the Environment
Charles deQuillfeldt	New York Department of Conservation
John S. Johnson	Connecticut Maritime Commission
Grant Westerson	Connecticut Marine Trades Association
Jim Leary	New York Department of State
Pat Pechko	USEPA, Region 2
Al Krupski	Town of Southold, New York
Bernward Hay	The Louis Berger Group, Inc.
Joe Salvatore	Connecticut Department of Transportation
Lynn McLeod	Battelle
Carlton Hunt	Battelle
Douglas Pabst	USEPA, Region 2
Jim O'Donnell	University of Connecticut
George Wisker	Connecticut Department of Energy and Environment
Cathy Rogers	U.S. Army Corps of Engineers
Jeannie Brochi	USEPA, Region 1
Chuck Beck	Connecticut Department of Transportation
Dan Natchez	Daniel S. Natchez and Associates, Inc.
Mark Terry	Town of Southold, New York
Tim Gannon	Times Review
Kari Gathen	New York Department of State
Jennifer Street	New York Department of State
Sunny Suchdeve	Office of U.S. Senator Kirsten E. Gillibrand
Andrew Ahrens	n/a
Katharine Evans	n/a
Bill Spicer	Spicer's Marinas

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<b>NAME</b>	<b>ORGANIZATION</b>
Bill Gash	Connecticut Maritime Coalition
Ralph Gogliettino	n/a
Den Duarte	Coast Guard
Nancy Brighton	U.S. Army Corps of Engineers

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### COMMENTS/SPEAKER SIGN-IN

*Note: Affiliation, if not provided on the Speaker Sign-In sheet, were taken from the Attendee Sign-in sheet and listed in brackets below.*


<b>NAME</b>	<b>ORGANIZATION</b>	<b>SUMMARY OF COMMENTS</b>
Maureen Dolan Murphy	Citizens Campaign for the Environment	-
John. S. Johnson	(Connecticut Maritime Commission)	Industry support for dredging
Dan Natchez	Daniel S. Natchez and Associates, Inc.	-
Robert Evans	Fishers Island Conservancy (FIC)	FIC's position
Al Krupski	Town of Southold	-
Bill Spicer	(Spicer's Marinas)	-
Tim Gannon	(Times Review)	-

Location: Riverhead Date: 1/9/13

## COMMENTER/SPEAKER SIGN-UP

Environmental Protection Agency: Public Meetings Regarding the Supplemental Environmental Impact Statement  
for the Eastern Long Island Sound Dredged Material Disposal Site Designation

Name & Organization	Summary of Comments	Are you providing written comments?
Maureen Dolan Murphy Citizens Campaign for The Environment		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
John S. Johnson	INDUSTRY SUPPORT FOR DREDGING	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Don Nobile	DSMA	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Robert Evans	Fishers Island Conservancy's position	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Al Krupski Town of Southold		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Bill Spicer		<input type="checkbox"/> Yes <input type="checkbox"/> No
Tim Gannon		<input type="checkbox"/> Yes <input type="checkbox"/> No
		<input type="checkbox"/> Yes <input type="checkbox"/> No
		<input type="checkbox"/> Yes <input type="checkbox"/> No

 United States  
Environmental Protection  
Agency New England

## **Attachment 4**

### **PRESENTATIONS**

Note: Presentations given by the Federal and State agency representatives were identical at each scoping meeting.

**PRESENTATION: Mel Coté, Manager, Ocean and Coastal Protection Unit,  
EPA Region 1:**

***Where We've Been: Designation of the Central and Western  
Long Island Sound Dredged Material Disposal Sites***

# Eastern Long Island Sound Supplemental Environmental Impact Statement



U.S. EPA Region 1  
Nov. 14, 2012  
Jan. 9, 2013

## EPA-USACE Share Responsibility

- Marine Protection, Research, and Sanctuaries Act (MPRSA, aka Ocean Dumping Act)
  - Section 102: EPA Designates Sites
  - Section 103: USACE Selects Sites subject to EPA concurrence
- Dredged material disposal at these sites must meet criteria in Ocean Dumping Regulations (40 CFR Parts 220-229)
- Clean Water Act (CWA)
  - Section 404: USACE issues permits subject to EPA concurrence
  - Section 404(c): EPA has veto authority





## MPRSA or Ocean Dumping Act

- Dredged material should not be disposed unless it can be demonstrated that such disposal will not unreasonably degrade or endanger:
  - human health, welfare, or amenities, or
  - the marine environment, ecological systems, or economic potentialities
- EPA established criteria that consider the:
  - need for disposal;
  - effect of disposal on human and ecological health, and other uses of the ocean; and
  - alternatives to ocean disposal.



## Long Island Sound Dredged Material Disposal Sites

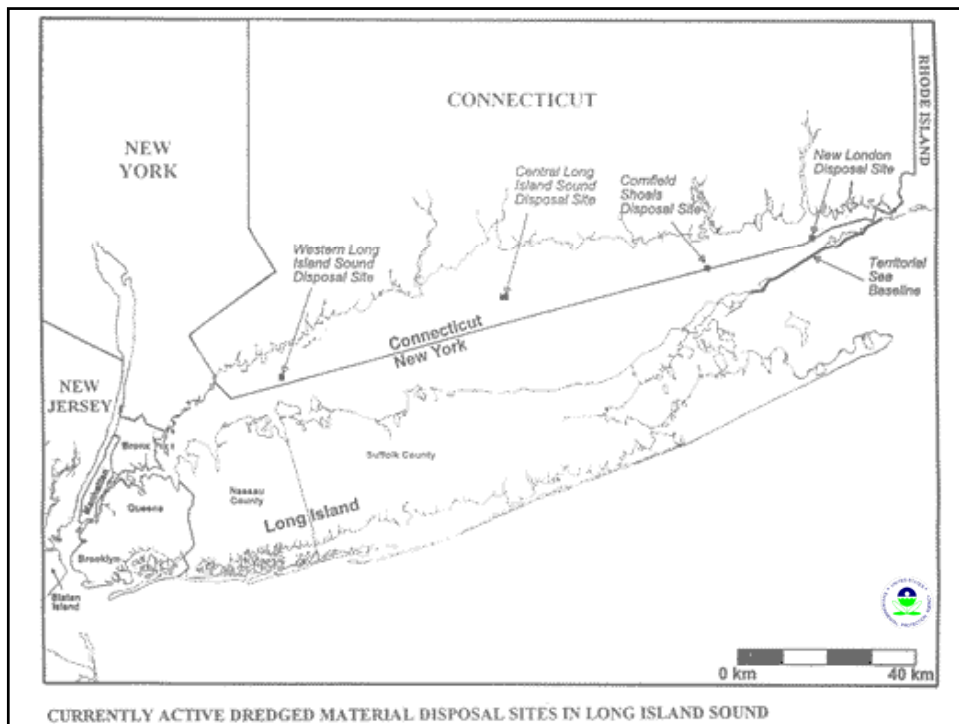
Designated by EPA in July 2005:

- Western Long Island Sound
- Central Long Island Sound

Selected by Corps in 1990s, scheduled to close December 2016:

- Cornfield Shoals
- New London





## EPA's Role in Dredging

- Designate ocean dredged material disposal sites for long-term use (following EPA's voluntary NEPA policy to prepare an EIS)
- Promulgate regulations and criteria for disposal site selection and permitting discharges
- Review USACE dredging projects and permits
- Develop site monitoring/management plans (SMMP)
- Monitor disposal sites jointly with Corps



## Long Island Sound Environmental Impact Statement

- 1998 – EPA and USACE agree to co-lead site designation process under MPRSA and NEPA
  - USACE provides funding
  - EPA provides technical assistance
- June 1999 – EPA and Corps initiate EIS to evaluate and potentially designate dredged material disposal sites for entire LIS region
- 1999-2001 Scoping and field work to collect data for entire LIS region



## Long Island Sound Environmental Impact Statement

- March 2002 – EPA and Corps decide to focus EIS effort initially on Central and Western LIS regions, with plan to address eastern LIS upon completion of that effort
- September 2003 – EPA issues draft EIS for public comments and holds public hearings





## Long Island Sound Environmental Impact Statement

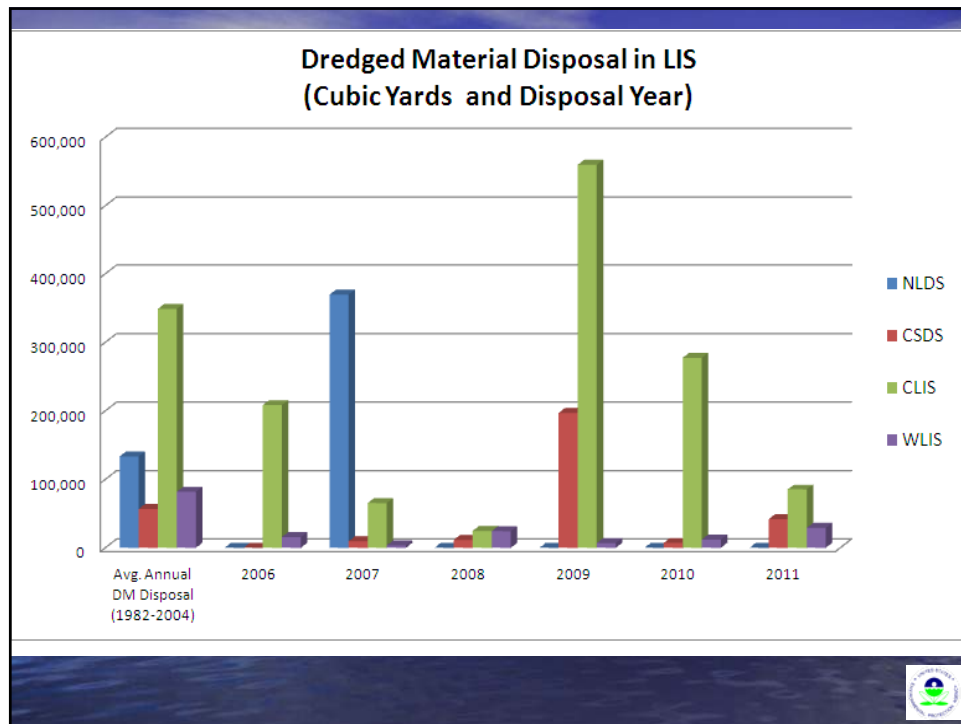
- April 2004 – EPA and Corps complete EIS recommending designation of CLIS and WLIS disposal sites, initiates final rulemaking
- June 2004 – NYS DOS objects to proposed federal action as inconsistent with CZM Program
- September 2004-May 2005 – EPA, Corps, NOAA, NY and CT negotiate conditions to site designation rule so NY can withdraw its objection



## Long Island Sound Environmental Impact Statement

- June 2005 – EPA publishes final rulemaking to designate CLIS and WLIS with conditions which, if not met, will result in sites closing, including:
  - Completion of a regional dredged material management plan (DMMP) for Long Island Sound by 2013 (or 2014)
  - Formation of a Long Island Sound Regional Dredging Team to review alternative analyses for federal and large private dredging projects
  - Production of an annual report by EPA on progress toward completion of the DMMP, and disposition of dredged material from all projects each year





**PRESENTATION: Mark Habel, Corps of Engineers, New England District:**

***Where We Are Now: Long Island Sound Dredged Material  
Management – the Need for Dredging and the Corps of  
Engineer’s Role***



## Long Island Sound Dredged Material Management Plan

- Requested by the Governors of Connecticut and New York after the Environmental Protection Agency (EPA) designated two open water dredged material disposal sites in LIS.
- The overall goal of the LIS DMMP is to develop a comprehensive dredged material management plan for the Corps of Engineers that recommends practicable, implementable solutions to manage dredged material in an economically sound and environmentally acceptable manner in LIS.
- A Corps-led comprehensive planning process and decision-making tool to address the management of dredged material for a specific harbor or navigation project, a group of related projects, or a specific geographic area.
- Involves a comprehensive review of dredging needs for both maintenance and planned improvement activities and material management options for a specific harbor or region over a minimum 20-Year planning horizon
- Investigates and evaluates various dredging and placement methods, sites and impacts
- Recommends practicable methods to meet Federal navigation needs and avoid or minimize impacts.

## Long Island Sound Dredged Material Management Plan

- The LIS DMMP will include an in-depth analysis of all potential dredged material management alternatives including open-water placement, beneficial use, upland placement, and innovative treatment technologies, which can be used by dredging proponents in developing alternatives analyses for their dredging in the LIS vicinity. The process calls for Federal agencies to seek public input regarding development of the LIS DMMP.
- Identify baseline & recommended management options for all Corps of Engineers navigation projects in LIS
- Identify an array of suitable/feasible, environmentally acceptable, practicable management plans that will meet or exceed non-Corps dredging needs which can be utilized by various dredging proponents in their analysis of options to manage their dredging projects.

## Long Island Sound Dredged Material Management Plan

### DMMP Process

- Preliminary Assessment – Reviews Current Management Options and Determines Whether a More In-Depth DMMP is Warranted.
- LIS Regional DMMP PA Approved June 2006
- Conduct DMMP Study
  - Phase I - Evaluate and Quantify Placement Needs and Existing Management Options
  - Phase II - Identify Alternative Placement Options with Special Emphasis on Beneficial Uses;
  - Phase III - Evaluate, Analyze, Compare, and Screen Alternatives;
  - Phase IV - Recommend Management Plans;
  - Phase V - When necessary periodically update the LIS DMMP



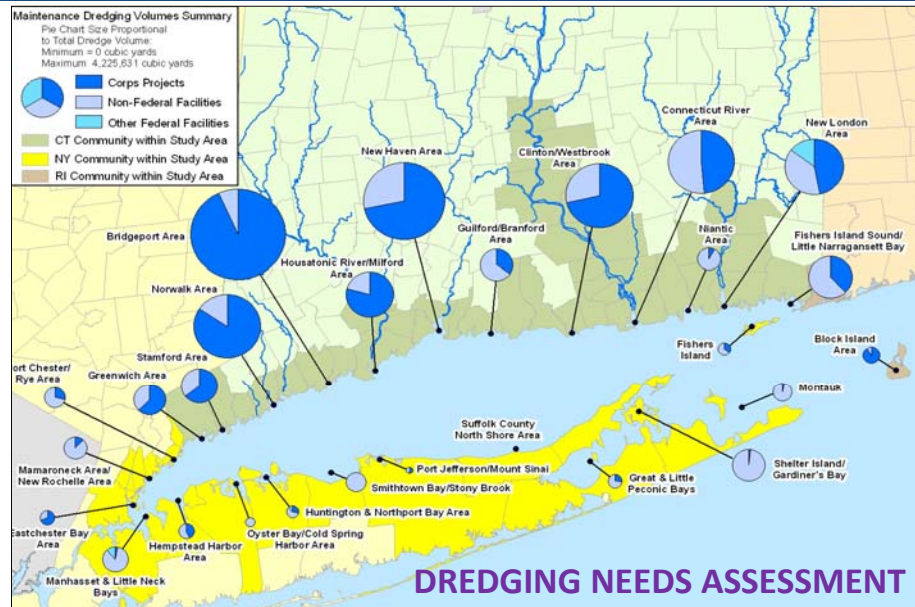
## Long Island Sound Dredged Material Management Plan

### Management Alternatives Considered

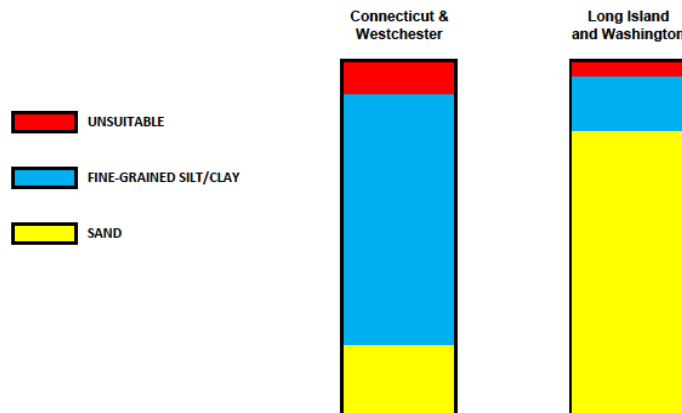
- Open and closed landfills
- Upland & aquatic dredged material placement sites.
- Current or proposed transportation improvement projects
- Dredged material transfer facility
- Asphalt, cement and other aggregate processors
- Large scale development sites
- Brownfield/other redevelopment sites
- Closed mines and quarries
- Beach and dune nourishment
- Agricultural and Aqua-cultural uses
- Habitat restoration, creation or enhancement
- Confined Disposal Facilities



## Long Island Sound Dredged Material Management Plan



### DISTRIBUTION OF LONG ISLAND SOUND DREDGED MATERIAL BY SEDIMENT TYPE



## Long Island Sound Dredged Material Management Plan

### Economic Impact of Navigation-Dependent Industries

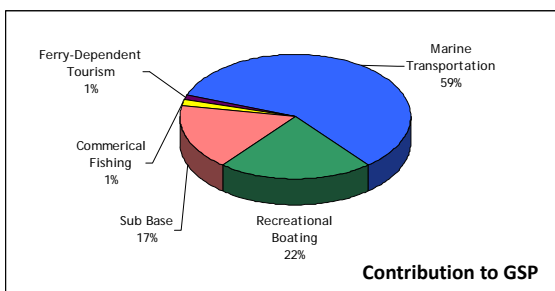
#### Economic Output

- \$9.4 Billion per Year in Gross State Product
- \$5.5 Billion per Year from 55,720 jobs
- \$1.6 billion in taxes

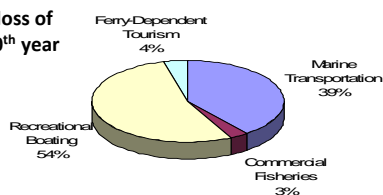
#### Impact over 20 Years

##### Without Dredging

- Reduce GSP -\$853 million
- Loss of -9,655 jobs



#### **Relative loss of GSP in 20<sup>th</sup> year**



## Long Island Sound Dredged Material Management Plan

### What the DMMP Does & Does Not Do

#### **Does Do**

- Identifies Baseline Dredged Material Placement Plan for Each Corps Project.
- Identifies Recommended Dredged Material Placement Plan for Each Corps Project.
- Identifies & Provides Information on Possible Placement Options that non-Corps Interests Can Pursue.
- Identifies Potential Opportunities for non-Fed Governments to Expand Corps Recommended Facilities for non-Fed use.
- Identifies other Studies or Actions Needed as Follow-up to DMMP.

#### **Does Not Do**

- Result in the Immediate Construction of Corps Placement Facilities.
- Develop Disposal Facilities for Non-Fed Use at Fed Costs.
- Provide Funding to Non-Federal Interests for Development of non-Federal Facilities.
- Designate New Ocean Placement Sites or Extend Any Existing Ocean Placement Sites.

## Long Island Sound Dredged Material Management Plan

### Federal

Screened to 90  
Potential Sites

44 in CT

37 Beaches

40 in NY

25 Beaches

5 in RI

3 Beaches

1 in PA



## Long Island Sound Dredged Material Management Plan

### Non-Federal

105 Upland  
and  
dewatering  
sites  
evaluated

45%  
contacted  
by phone

### Upland, Beneficial Use, and Sediment De-Watering Site Inventory and Site Investigation



## Long Island Sound Dredged Material Management Plan

**Federal**  
**Screened to 90**  
**Potential Sites**

**44 in CT**

**37 Beaches**

**40 in NY**

**25 Beaches**

**5 in RI**

**3 Beaches**

**1 in PA**



**Example:**  
**Site 323 Seaside Beach**  
**Bridgeport, CT**

Category	CT	NY	RI	PA	Total
Beach – Municipal/County	17	10	2	0	29
Beach – State	2	8	0	0	10
Beach – Fed. Shore Protection	18	7	1	0	26
Mine	0	0	0	1	1
Landfill	2	2	0	0	4
Redevelopment/ Construction	0	2	0	0	2
Habitat Restoration	0	2	0	0	2
Dewatering					
Currently feasible	2	2	0	0	4
Potentially feasible in future	3	7	2	0	12
<b>Total</b>	<b>44</b>	<b>40</b>	<b>5</b>	<b>1</b>	<b>90</b>

<b>Site Address</b>	350 Wadsworth Ave., Bridgeport, CT
<b>General Description</b>	Federal Shore Protection area and large Municipal Beach in Bridgeport; parcel lies between Bridgeport Harbor on east side and Bear Creek at west.
<b>Ownership/POC</b>	City of Bridgeport, CT Charles Carroll, Parks and Recreation (203) 576-7233
<b>Zoning</b>	RA Residential Single Family Home
<b>Surrounding Land Use</b>	Residential, light industrial to north; marina and canal to northwest.
<b>Wetlands</b>	Yes. Mapped wetlands are present at end of sand spit at west of beach.
<b>State and Federally Listed Species Habitat</b>	Yes. Mapped habitat covers majority of site.
<b>Sediment Type</b>	Well sorted medium-grained sand with shell hash.
<b>Nourishment Length</b>	19,120 ft
<b>Design Berm Width</b>	100 ft
<b>Capacity</b>	1,130,900 cy
<b>Site Access</b>	Land – to (west end) or (east end). Approximately 1 mile to Rte. 95. Water – LIS
<b>Staging Area</b>	Potential staging areas in paved lots behind beach at east and west ends. Lots are relatively narrow but have room for staging.
<b>Additional Considerations</b>	Main section of beach has a rock revetment and seawall with walking path. At east end of parcel the beach has a small dune in back corner, and a sand tombolo just behind a stone breakwater. The point at the tombolo is rocky with little to no beach. A seawall with rip-rap continues around the point to the Bridgeport Harbor area. At the west end the beach terminates in a stone jetty with fringing marsh. Beach is bordered by a seawall that lies 2-3 ft above the berm. Bear Creek has a marina and boat basin. Sand spit at west end has wetland and endangered species habitat. No nourishment calculated for this area. Also, nourishment would not extend to rocky outcrop and tombolo at east side of beach, in order to avoid sediment transport to channel. Cultural resources present.

## Long Island Sound Dredged Material Management Plan

### Next Steps

- Complete Sediment Characterization by Harbor
- Complete Transportation/Disposal Cost Matrix
- Final Screening of Disposal Alternatives
- Matching Disposal Alternatives with Harbors/Projects
- Recommending Disposal Plans for Federal Projects
- Listing Available Options for Non-Federal Projects

## The Corps as a Cooperating Agency for the EPA ELIS Effort

### **What the Corps Will Do - as Requested by US EPA When Appropriate and Subject to Availability of Funds**

- Review Data, Documents, Interim Work Products and Reports Prepared by EPA
- Participate in Data Collection Activities when Available
- Provide Data, Analysis and Reports Prepared by the Corps under its Own Authorities (Navigation, DAMOS, DMMP) for Use or Reference by EPA in its SEIS
- Comment on the Draft and Final EPA SEIS

**PRESENTATION: Jean Brochi, Project Manager, Ocean and Coastal  
Protection Unit, EPA Region 1:**

***Where We're Going: SEIS for the Eastern Long Island Sound  
Region***



## ELIS SEIS Recent Activity

FY 2012 Corp's Appropriations Act:

- extends use of New London and Cornfield Shoals Disposal Sites to December 23, 2016.
- Site selection expiration dates originally October 5, 2011 and November 6, 2013, respectively,
- purpose: "to allow for completion of a SEIS to support final designation of an ODMS in ELIS."



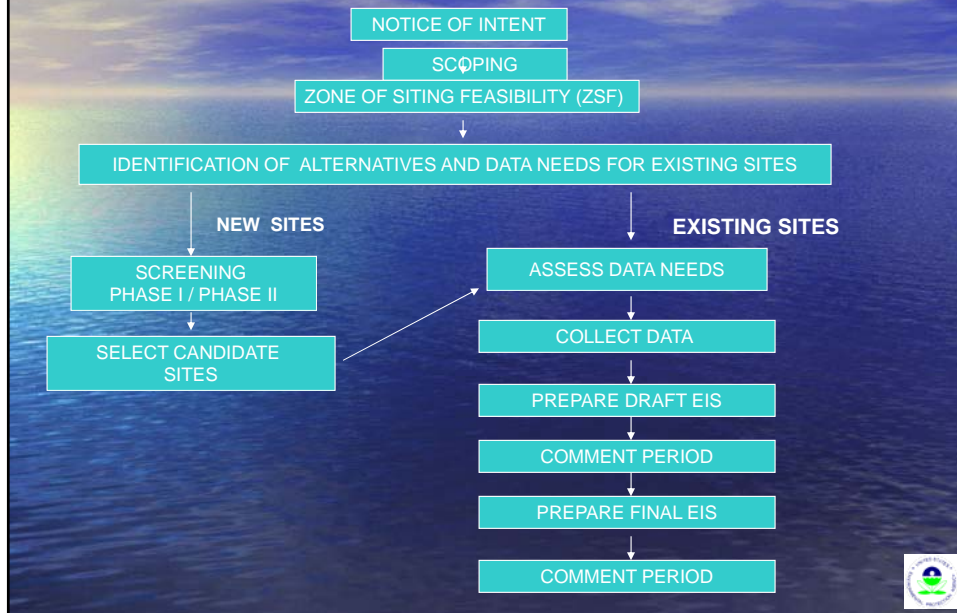
## ELIS SEIS Recent Activity

FY 2012 EPA's Appropriations Act requires EPA to report to Congress "outlining its plan to carry out the Supplemental Environmental Impact Statement for the eastern Long Island Sound," *and to "work collaboratively with...the Corps and State partners to expeditiously determine a dredging solution for eastern Long Island Sound."*





# ELIS SEIS Process



# ELIS SEIS Process

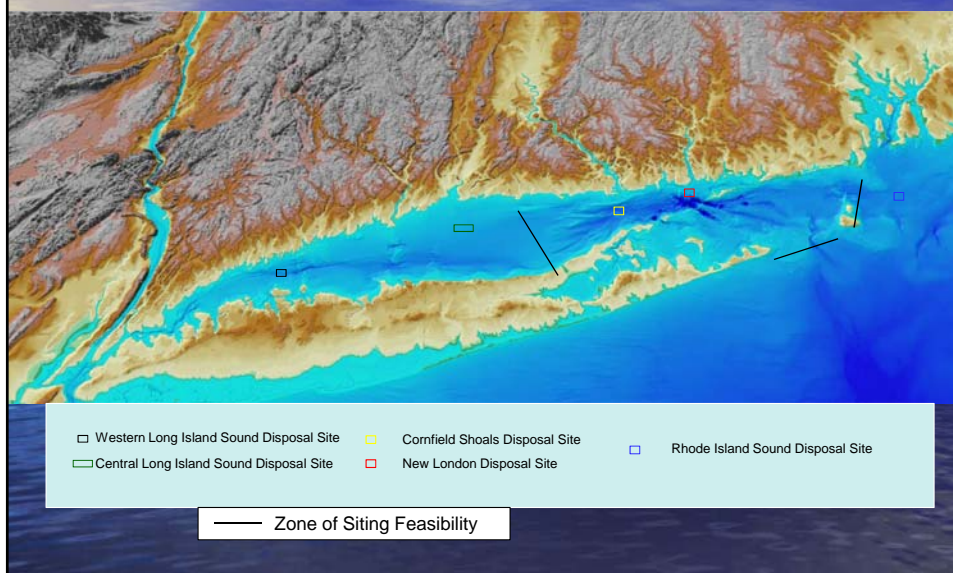
- Cooperating Agencies – requested in July.
- Notice of Intent: published October 16, 2012.
- EPA website revised:  
<http://www.epa.gov/region1/eco/lisdreg/elis.html>
- Email notification system, contact:  
[ELIS@epa.gov](mailto:ELIS@epa.gov) if you would like to be added to the email distribution list.

## ELIS SEIS Process

- NOI Scoping meetings: November 14, 2012 in CT. NY meeting postponed until January 9, 2013 due to recovery efforts from storm. Comment period ends on January 31, 2013.
- Additional scoping meeting to be scheduled in the spring and in the fall to solicit public comments on data collection.



## ELIS SEIS Process



## ELIS SEIS Process

### Existing Data:

- Data collection for original LIS EIS included eastern LIS from 1999-2002.
- EPA conducted site monitoring surveys on OSV Bold in 2007, and 2009 - 2012.
- USACE DAMOS Monitoring:
  - NLDS – 10 surveys since 1990: bathy, physical oceanography, benthic biology, chemistry
  - CSDS – 3 surveys since 1990: bathy, sediment transport
  - RISDS – 4 surveys since 2000: bathy, benthic biology, lobster abundance, plume tracking



## ELIS SEIS Process

### Dredging Needs Report completed in October 2009:

- Determined that approximately 13.5 million cubic yards will be dredged from ELIS harbors and channels over the next 26 years (planning horizon to 2028)

### Upland, Beneficial Use, and Sediment Dewatering Reports completed in 2009-2010:

- Determined that there are very few alternatives to open-water disposal sites in CT, and most of those are beach nourishment





# ELIS SEIS Process

**LIS DMMP:** several studies will be used for this effort such as the literature search, dredging needs, economics, disposal alternatives.

The disposal alternatives study includes upland, nearshore, beneficial use and aquatic disposal.

Alternatives investigated include Landfills, Beaches, Redevelopment, Habitat Restoration, and Dewatering sites.



# ELIS SEIS Process

LIS DMMP Alternatives Report:



## Budget

- EPA estimates \$3.3 million for the total cost
- Connecticut State Bond Commission approved \$1.8 million in October 2011 to fund studies to support SEIS
- CT DOT will fund physical oceanographic and possibly other environmental studies, as well as public participation/scoping



## Next Steps

- Additional public meetings in 2013
- Draft SEIS by December 2014
- Final SEIS by December 2015
- If SEIS recommends designation of one or more sites, publish final rulemaking by December 2016



**PRESENTATION: George Wisker, Connecticut Department of Energy and  
Environmental Protection:**

***State of Connecticut's Role***



## Department of Energy and Environmental Protection, Office of Long Island Sound Programs Role in the SEIS Process

George Wisker  
Public Meeting  
November 14, 2012 Groton, CT  
January 9, 2013, Riverhead, NY



Connecticut Department of Energy and Environmental Protection

## DEEP Regulatory Role in Dredging

- Regulates dredging & management of dredged sediments pursuant to the CT Structures and Dredging statutes and in accordance with CT Water Quality Standards
- DEEP is the state agency implementing & enforcing CT's federally approved Coastal Zone Management Program through the Office of Long Island Sound Programs



Connecticut Department of Energy and Environmental Protection

## DEEP Regulatory Role in Dredging

(continued)

- All federal & nonfederal dredging and disposal actions are reviewed for program consistency to ensure that coastal resources are adequately protected while preserving & encouraging water dependent uses.
- Section 401 of the federal Clean Water Act requires the state to certify that discharges of dredged material to the waters of the state will not result in permanent impairment to water quality



Connecticut Department of Energy and Environmental Protection



## DEEP Role in SEIS

- DEEP will provide available information on resources and research to EPA and the SEIS contractors to assist with filling data needs.
- Finally, DEEP will provide coordinated comments on interim work products and will ultimately evaluate any federal action resulting from the SEIS process for consistency with the enforceable policies of Connecticut Coastal Zone Management Plan



Connecticut Department of Energy and Environmental Protection



**PRESENTATION: Jennifer Street, New York Department of State:**

***State of New York's Role***

NEW YORK STATE  
ANDREW M. CUOMO, GOVERNOR



DEPARTMENT OF STATE  
CESAR A. PERALES, SECRETARY OF STATE

## N.Y.S. Department of State Coastal Management Program

- Prepared for The USEPA Public Scoping Meeting for the Supplemental Environmental Impact Statement for the Potential Designation of One or More Open-water Disposal Sites in Eastern Long Island Sound, UCONN, Avery Point, Connecticut, 11/14/2012, and at SCCC, Culinary Arts Center Riverhead, New York, 01/09/2013

### Overview: Primary Program Goals

- Balance protection of natural and cultural resources with economic development within the coastal zone.
- Coordinate decision-making at all levels of government.

New York Department of State

## Overview: Our Role in Long Island Sound

- Long Island Sound (LIS), as a shared estuary, is subject to regulatory review by both New York and Connecticut
- The LIS Coastal Management Program (CMP) is the regional program containing the 13 enforceable policies of the NY Coastal Management Program for the LIS region.
- Implementing coastal policies through interstate consistency and consistency review

New York Department of State

## Federal Consistency

- Federal regulations at 15 CFR 930 establish a framework for review of all proposed federal activities that are within or would effect a state's designated federally approved coastal area.
  - “Federal activity” refers to funding, permitting, rule making or direct actions undertaken by a federal agency
- Based upon an analysis of the effects of a proposed activity on the enforceable policies of the CMP, the Department either concurs with or objects to the proposed activity.

New York Department of State

## NY DOS Involvement in the SEIS Process

- Participate as a cooperating agency as part of the NEPA process
  - Provide written scoping comments
  - Provide available data and information
  - Review work products and provide comments as needed
- Review any potential federal actions for consistency with the NY CMP

New York Department of State

## Questions?

For **Consistency** related questions contact:

Jeffrey Zappieri – Consistency Unit Supervisor

[Jeffrey.Zappieri@dos.ny.gov](mailto:Jeffrey.Zappieri@dos.ny.gov)

For **LIS DMMP or ELIS SEIS** related questions contact:

Fred Anders – Natural Resources Bureau Chief

[Fred.Anders@dos.ny.gov](mailto:Fred.Anders@dos.ny.gov)

NYS Department of State

One Commerce Plaza

99 Washington Avenue

Albany, NY 12231

Telephone: (518) 474-6000

For a copy of the NY CMP or for more information on our program,

please visit: <http://www.dos.ny.gov/communitieswaterfronts/consistency/index.html>

New York Department of State

## **Attachment 5**

### **TRANSCRIPTS OF PUBLIC COMMENTS, GROTON, CONNECTICUT NOVEMBER 14, 2012**

Page 1	Page 2
<p>1 November 14, 2012 - Avery Point, UCONN, Groton, CT.</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8 Public Meeting</p> <p>9 Supplemental Environmental Impact Statement (SEIS) to</p> <p>10 Evaluate the Potential of One or More Dredged Material</p> <p>11 Disposal Site(s) in Eastern Long Island Sound</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20 By: Sarah J. Miner, LSR #238</p> <p>21 BRANDON SMITH REPORTING SERVICE</p> <p>22 249 Pearl Street</p> <p>23 Hartford, Connecticut 06103</p> <p>24 Six Landmark Square, 4th Floor</p> <p>25 Stamford, Connecticut 06901</p> <p>(203) 316-8591 (800)852-4589</p>	<p>1 MR. VERAART: Welcome everybody to this</p> <p>2 public meeting. I just wanted to do a little bit of</p> <p>3 housekeeping up front. The rest rooms are outside</p> <p>4 this auditorium. The ladies room is out the door</p> <p>5 straight to the right. And the men's room is at the</p> <p>6 end of the hallway, also to the right. Also please</p> <p>7 turn your cell phones off or put them on vibrate.</p> <p>8 That would be most helpful.</p> <p>9 My name is Niek Veraart. I am with The</p> <p>10 Louis Berger Group. We are on the contract to</p> <p>11 University of Connecticut, which is on the contract to</p> <p>12 the Connecticut Department of Transportation. And we</p> <p>13 have been retained to assist with this public meeting,</p> <p>14 and with preparation of the Supplemental Environmental</p> <p>15 Impact Statement.</p> <p>16 This meeting is being held to solicit</p> <p>17 comments as part of the environmental review under the</p> <p>18 National Environmental Policy Act to prepare a</p> <p>19 Supplemental Environmental Impact Statement to</p> <p>20 evaluate the potential designation of one or more</p> <p>21 Ocean Dredged Material Disposal Sites to serve the</p> <p>22 Eastern Long Island Sound region in Connecticut, New</p> <p>23 York, and Rhode Island. The Notice of Intent to</p> <p>24 prepare the Supplemental Environmental Impact</p> <p>25 Statement was announced in the Federal Register on</p>
Page 3	Page 4
<p>1 October 16, 2012.</p> <p>2 The federal lead agency is the U.S.</p> <p>3 Environmental Protection Agency, or EPA. EPA is</p> <p>4 requesting written comments from federal, state, and</p> <p>5 local governments, industry, nongovernmental</p> <p>6 organizations, and the general public on the need for</p> <p>7 action, the range alternative considered, and the</p> <p>8 potential impacts of the alternatives.</p> <p>9 In addition to today's public scoping</p> <p>10 meeting, the second scoping meeting is scheduled for</p> <p>11 January 9th, 2012, from three to six p.m. at Suffolk</p> <p>12 County Community College in Riverhead, New York, in</p> <p>13 Long Island. That meeting was rescheduled in light of</p> <p>14 Hurricane Sandy. And the details of that meeting will</p> <p>15 be made available on EPA's web site. The period for</p> <p>16 accepting scoping comments was also extended to</p> <p>17 January 31, 2013.</p> <p>18 The EPA and the other agencies today</p> <p>19 will present information about the project over the</p> <p>20 next hour until approximately 5 p.m. We have had a</p> <p>21 little bit of a later start so it may run beyond five.</p> <p>22 After the presentations have been</p> <p>23 completed, the floor will be open for comments until</p> <p>24 about 7 p.m. If you wish to speak we ask that you</p> <p>25 sign up at the registration desk near the entrance.</p>	<p>1 When you are registering to speak, if</p> <p>2 you could please provide your contact information and</p> <p>3 any affiliation if you are representing an</p> <p>4 organization. A form is provided at the registration</p> <p>5 desk, and speakers will be heard in the order in which</p> <p>6 they are registered to speak, with elected officials</p> <p>7 and government representatives speaking first.</p> <p>8 You may also submit your comments in</p> <p>9 writing at the registration desk, in which case we</p> <p>10 also ask that you indicate your contact information</p> <p>11 and your affiliation. All comments, written and</p> <p>12 verbal, will become part of the public record.</p> <p>13 We are asking that you limit your</p> <p>14 comments to no more than five minutes, to provide</p> <p>15 everyone an opportunity to speak. If you have</p> <p>16 extended comments you may want to summarize them in</p> <p>17 your verbal statement and submit your comments in</p> <p>18 writing at the registration desk, which will then make</p> <p>19 them part of the public record. Please note that the</p> <p>20 focus of this meeting is to receive verbal comments on</p> <p>21 the Notice of Intent, the presentations this afternoon</p> <p>22 by the agencies, and their review process. This is</p> <p>23 not a technical discussion forum.</p> <p>24 This public meeting is being recorded by</p> <p>25 a stenographer, and on audio recording devices. The</p>

Page 5	Page 6
<p>1 transcript of the meeting will be entered into the</p> <p>2 public record of the environmental review process, and</p> <p>3 will be made available to the public.</p> <p>4       Again, the period to submit written</p> <p>5 comments will end on January 31, 2013.</p> <p>6       And we will now move to the presentation</p> <p>7 portion of the meeting. Please note also that the</p> <p>8 presentations will be made available on the EPA web</p> <p>9 site after the meeting.</p> <p>10       The agency representatives that will be</p> <p>11 presenting and receiving comments this afternoon</p> <p>12 include the following in the order of the</p> <p>13 presentations:</p> <p>14       Mr. Mel Cote, Manager, Ocean and Coastal</p> <p>15 Protection Unit, EPA Region 1. He will discuss EPA's</p> <p>16 role in Disposal Site Designations. And he will</p> <p>17 discuss the history of the process, the designation of</p> <p>18 the Central and Western Long Island Sound Dredged</p> <p>19 Material Disposal Sites.</p> <p>20       His presentation will be followed by a</p> <p>21 presentation by Mr. Mark Habel of the Corps of</p> <p>22 Engineers, New England District, who will discuss the</p> <p>23 need for dredging and the role of the Corps.</p> <p>24       Followed by Ms. Jean Brochi, Project</p> <p>25 Manager, Ocean and Coastal Protection Unit EPA Region</p>	<p>1 1, who will discuss the process going forward,</p> <p>2 Supplemental EIS for the Eastern Long Island Sound</p> <p>3 Region.</p> <p>4       Mr. George Wisker, representing the</p> <p>5 Connecticut Department of Energy and Environmental</p> <p>6 Protection and the Connecticut Department of</p> <p>7 Transportation, will then discuss the role of the</p> <p>8 State of Connecticut.</p> <p>9       Followed by Ms. Jennifer Street of the</p> <p>10 New York Department of State, who will discuss the</p> <p>11 role of the New York Department of State process.</p> <p>12       Mr. Cote will officially open the</p> <p>13 meeting.</p> <p>14       MR. COTE: Thanks very much. Good</p> <p>15 afternoon everyone. As Niek mentioned, my name is Mel</p> <p>16 Cote, and I am the Manager of the Ocean and Coastal</p> <p>17 Protection Unit in the U.S. Environmental Protection</p> <p>18 Agency's Region 1 office for the New England Regional</p> <p>19 Office. Prior to taking this position almost 11 years</p> <p>20 ago, I spent nine years as the Region 1 Program</p> <p>21 Manager for the Long Island Sound Study and</p> <p>22 Connecticut's nonpoint source program. My family is</p> <p>23 from Connecticut. I was born in Middletown,</p> <p>24 Connecticut, and I have spent a lot of time at the</p> <p>25 beach and on the Waters of Long Island Sound. So I</p>
Page 7	Page 8
<p>1 have both personal and professional knowledge, as well</p> <p>2 as a real affinity for the Sound and this region.</p> <p>3 Thank you for coming to this public meeting. We</p> <p>4 really appreciate you coming to provide input during</p> <p>5 the very early stages of our process to develop a</p> <p>6 Supplemental Environmental Impact Statement that will</p> <p>7 evaluate the potential designation of one or more</p> <p>8 dredged material disposal sites to serve the Eastern</p> <p>9 Long Island region.</p> <p>10       What I am going to do now is describe</p> <p>11 what EPA's role is with respect to the designation of</p> <p>12 dredged material disposal sites. And then I am going</p> <p>13 to take a step back to provide some background of the</p> <p>14 designation of Central and Western Long Island Sound</p> <p>15 disposal sites, which was completed in July 2005.</p> <p>16 Then I am going to turn it over to Mark Habel of the</p> <p>17 U.S. Army Corps of Engineers to talk about the Corps'</p> <p>18 role in dredged material management, as well as their</p> <p>19 effort to develop a Dredged Material Management Plan</p> <p>20 for the Long Island Sound region.</p> <p>21       EPA and the U.S. Army Corps of Engineers</p> <p>22 jointly regulate dredging and dredged material</p> <p>23 disposal under federal authorities provided by Section</p> <p>24 404 of the Clean Water Act, and Sections 102 and 103</p> <p>25 of the Marine Protection Research and Sanctuaries Act,</p>	<p>1 which is also known as the Ocean Dumping Act. In</p> <p>2 administering these programs, we work closely with</p> <p>3 other federal resource management agencies like the</p> <p>4 National Marine Fisheries Service and U.S. Fish and</p> <p>5 Wildlife Service, and state and environmental agencies</p> <p>6 to ensure proper coordination and consistency with</p> <p>7 statutory and regulatory requirements, and</p> <p>8 environmental standards.</p> <p>9       Since 1980, EPA and the Corps have been</p> <p>10 applying the sediment testing criteria requirements of</p> <p>11 the Ocean Dumping Act for all federal dredging</p> <p>12 projects and to private projects generating 25,000</p> <p>13 cubic yards or more of dredged material. Dredged</p> <p>14 material that meets these criteria and is determined</p> <p>15 to be suitable - meaning clean enough - for ocean</p> <p>16 disposal may be disposed of at one of the four sites</p> <p>17 at Long Island Sound, known as the Western Long Island</p> <p>18 Sound, Central Long Island Sound, Cornfield Shoals,</p> <p>19 and New London disposal sites.</p> <p>20       The Western and Central Long Island</p> <p>21 Sound sites were designated by EPA, as I mentioned, in</p> <p>22 2005, and the Cornfield Shoals and New London sites</p> <p>23 were evaluated and selected as disposal sites pursuant</p> <p>24 to programmatic and site specific environmental impact</p> <p>25 statements prepared by the Corps, most recently in</p>



Page 9	Page 10
<p>1 1991.</p> <p>2 In 1992 Congress, and these show the</p> <p>3 sites here, in 1992 Congress added a new provision to</p> <p>4 the Ocean Dumping Act on the availability of</p> <p>5 Corps-selected sites for disposal activity. The</p> <p>6 provision allows the selected site to be used for a</p> <p>7 five-year period, beginning with the first disposal</p> <p>8 activity after the effective date of the provision,</p> <p>9 which was October 31, 1992. It also provides for an</p> <p>10 additional five-year period beginning with the first</p> <p>11 disposal activity commencing after completion of the</p> <p>12 first five-year period. We have a total of 10 years,</p> <p>13 it is not necessarily the second. Use of the site can</p> <p>14 be extended, however, if the site is designated by EPA</p> <p>15 for long-term use. Thus, the Corps can select</p> <p>16 disposal sites only for short-term, limited use,</p> <p>17 whereas Congress authorized the EPA to undertake</p> <p>18 long-term site designations, subject to ongoing</p> <p>19 monitoring requirements to ensure that the sites</p> <p>20 remain environmentally sound.</p> <p>21 So to summarize, EPA's responsibilities</p> <p>22 related to the dredging and dredged material disposal</p> <p>23 include:</p> <p>24 Designating disposal sites for long term</p> <p>25 use;</p>	<p>1 Promulgating regulations and criteria</p> <p>2 for disposal site selection and permitting discharges;</p> <p>3 Reviewing Corps dredging projects and</p> <p>4 permits;</p> <p>5 Developing site monitoring and</p> <p>6 management plans for designated sites;</p> <p>7 Monitoring disposal sites jointly with</p> <p>8 the Corps.</p> <p>9 Now, I am going to provide some</p> <p>10 background of the designation of the Central and</p> <p>11 Western Long Island Sound Disposal sites, which was</p> <p>12 completed in July 2005. This goes back 15 years.</p> <p>13 In 1998 EPA and the Corps agreed to</p> <p>14 conduct a formal site designation process following</p> <p>15 the criteria established in the Ocean Dumping Act. We</p> <p>16 also agreed that, consistent with past practice in</p> <p>17 designating dredged material disposal sites, that we</p> <p>18 would follow EPA's "Statement of Policy for Voluntary</p> <p>19 Preparation of National Environmental Policy Act or</p> <p>20 NEPA Documents," and would prepare an environmental</p> <p>21 impact statement to evaluate different dredged</p> <p>22 material disposal options.</p> <p>23 In June 1999 we published a "Notice of</p> <p>24 Intent" in the Federal Register announcing our plans</p> <p>25 to prepare, in cooperation with the Corps and other</p>
Page 11	Page 12
<p>1 federal and state agencies, an Environmental Impact</p> <p>2 Statement to evaluate and potentially designate</p> <p>3 dredged material disposal sites for the entire Long</p> <p>4 Island Sound region. We began the Sound-wide field</p> <p>5 data collection effort in 1999, but were slowed by</p> <p>6 both the technical complexities and financial</p> <p>7 constraints associated with a large-scale,</p> <p>8 multiple-site project.</p> <p>9 In March 2002, with the Central Long</p> <p>10 Island Sound Disposal Site scheduled to close in 2004,</p> <p>11 when the second, I mentioned before, the second of two</p> <p>12 five-year periods of use of that Corps-selected site</p> <p>13 expired, EPA and the Corps announced their intent to</p> <p>14 develop the EIS in two states - Western and Central</p> <p>15 Long Island Sound first, followed by the Eastern Sound</p> <p>16 once a site or sites had been designated to serve the</p> <p>17 Western and Central region. This approach would yield</p> <p>18 a schedule to meet the important public need to</p> <p>19 consider disposal sites in this region more</p> <p>20 expeditiously without compromising the continued</p> <p>21 objectivity of the decision-making process for each</p> <p>22 region of the Sound. In September 2003, EPA issued</p> <p>23 the draft EIS recommending the designation of the</p> <p>24 Central and Western Long Island Sound Disposal Sites,</p> <p>25 and held public hearings in Connecticut and New York</p>	<p>1 during late September and, in response to public</p> <p>2 comments, held additional hearings in December.</p> <p>3 EPA released the final EIS and response</p> <p>4 to comments on the draft in April 2004, with the</p> <p>5 recommended action, or preferred alternative,</p> <p>6 designation of the Central and Western sites. Because</p> <p>7 the EIS is not a decision document, EPA also began the</p> <p>8 rulemaking process to formally designate the two sites</p> <p>9 by regulation. At this point, the State of New York's</p> <p>10 Coastal Management Program - which we will hear a</p> <p>11 little bit more about later in the meeting - exercised</p> <p>12 its federal consistency authority under the Coastal</p> <p>13 Zone Management Act to object to the site designations</p> <p>14 on the basis that this federal action was not</p> <p>15 consistent with the enforceable policies of their</p> <p>16 program.</p> <p>17 Now, in June 2005, EPA did publish the</p> <p>18 final rule designating the Central and Western</p> <p>19 disposal sites. To address concerns raised by the</p> <p>20 State of New York and some sectors of the general</p> <p>21 public about the potential impact of dredged material</p> <p>22 disposal on Long Island Sound water quality and</p> <p>23 fisheries habitat, these site designations are subject</p> <p>24 to restrictions on their use. These restrictions were</p> <p>25 intended to reduce or eliminate the disposal of</p>

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<p>1 dredged material in Long Island Sound, and include:  2 (1) the Corps completing a Dredged Material Management  3 Plan for the entire Long Island Sound region with the  4 goal of reducing or eliminating open-water disposal of  5 dredged material by identifying alternatives to  6 open-water disposal. That effort was completed by  7 July 2013, with additional time allowed if good faith  8 efforts were being made to complete the process; (2)  9 establishing an interagency Long Island Sound Regional  10 Dredging Team to review alternative analyses for  11 federal and large private dredging projects; (3) and a  12 third restriction was that EPA would publish an annual  13 report to the public on progress toward completion of  14 the DMMP and disposition of dredged material from all  15 projects each year, including open water disposal and  16 beneficial use.</p> <p>17 As an example of the kind of information  18 that is contained in our annual reports, and the next  19 report for the dredging season basically July 2010,  20 2011, 2012, would be out soon. As an example of the  21 information contained in the annual reports, this is  22 data on the amount of dredged material that was  23 disposed of at each of the four Long Island Sound  24 disposal sites for the period 2006 to 2011.</p> <p>25 So at this time I am going to turn it</p>	<p>1 over to Mark Habel of the U.S. Army Corps of  2 Engineers. Mark is going to talk about the Long  3 Island Sound Dredged Material Management Plan and the  4 Corps' role in dredged material management in general.  5 Thank you.</p> <p>6 MR. HABEL: Good evening, as Mel  7 introduced me, I am Mark Habel from the New England  8 District Corps of Engineers. I work in navigation.  9 Mainly improving projects and studies for port  10 development. Right now I am one of the people working  11 for the district on the Dredged Material Management  12 Plan on Long Island Sound. Mel talked a bit about  13 what happened back in 2003, 2004, 2005, with the EIS  14 for Western and Central Long Island Sound. And as  15 part of the end of that process EPA published a rule,  16 one of the conditions of which was that a Dredged  17 Material Management Plan be prepared for the Sound in  18 order for those sites to remain open. That was one of  19 the recommendations.</p> <p>20 What is a DMMP? Well, the Corps of  21 Engineers is tasked by Congress with the development  22 and maintenance of our Nation's navigation  23 infrastructure, our ports and harbors, our channels,  24 breakwaters, and everything else that is needed for  25 shipping to occur. Dredged Material Management Plan</p>
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<p>1 is a means by which we can look at all the projects  2 over a long term and see what their needs for  3 maintenance and planned improvements are. Around Long  4 Island Sound I believe there is more than 50 federal  5 harbors. Most of those are in Connecticut, but some  6 of those are in New York. And they all need  7 maintenance periodically, some frequently, some much  8 less frequently. But the DMMP looks at all of those.  9 What their needs are over time, and tries to develop a  10 plan to both economically and environmentally maintain  11 and improve those projects.</p> <p>12 So a DMMP is supposed to look at the  13 whole region's needs over a term of at least 20 years,  14 determine where the shortfalls in maintenance capacity  15 are, and try to address those shortfalls. The DMMP is  16 looking at all potential disposal options for dredged  17 material, whether those are in the water, or upland,  18 or along the shore, or beneficial use of dredged  19 material, whatever. At the end of that the DMMP will  20 recommend the alternatives that federal projects  21 should pursue. And it will also categorize the  22 alternatives that may be available for nonfederal  23 projects, and more on that as I go through this.</p> <p>24 The goal of the DMMP is practical  25 implemental solutions, economically sound, and</p>	<p>1 environmentally acceptable. The DMMP is being  2 developed over the course of several years. We have  3 established a technical working group. Members of the  4 public through their NGO's were invited to  5 participate. I see some of those people here. As  6 well as the federal and state agencies from the three  7 states, Connecticut, New York, and Rhode Island.</p> <p>8 The DMMP addresses future dredging  9 needs. Again, we are looking at both federal and  10 nonfederal projects and needs. What disposal  11 capabilities are there? The capacities of placement  12 sites. Whether they are current sites, or sites that  13 might be developed. The environmental compliance for  14 using those methods and sites. Potential beneficial  15 uses of dredged material. Most of you know that sand  16 can be used to nourish beaches. Other materials can  17 be used to build marshes, and help in highway  18 projects, things of that nature.</p> <p>19 As part of the DMMP we are also  20 preparing a document, which is a Programmatic  21 Supplemental Environmental Impact Statement. It is  22 programmatic because it won't make specific  23 recommendations for specific ports. It is  24 supplemental because it is looking back to the prior  25 EIS from '04, '05. Any specific development or new</p>

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<p>1 disposal alternatives are going to have to be handled 2 harbor by harbor.</p> <p>3 You know what our study area is, 4 Connecticut, Southwestern Long Island, and the 5 adjoining counties on the New York mainland.</p> <p>6 The process of DMMP. The Corps prepared 7 and approved a preliminary assessment in 2006, that is 8 a means for us to seek the funding for doing the DMMP 9 itself. Funds became available in 2007, and since 10 then we have been working our way through the various 11 phases. Identifying dredging needs, placement 12 opportunities, and potential impacts of each of those 13 areas.</p> <p>14 Things we have looked at. In response 15 to the comments we got in our scoping process for the 16 DMMP several years ago from the agencies and the 17 public, we put together a fairly comprehensive list of 18 what we needed to look at, what people wanted us to 19 look at, from landfills to aquatic sites, to other 20 infrastructure projects, transfer facilities, on down 21 the list, beaches, agriculture, and habitat creation. 22 Now, we spent the last several years going through all 23 of those categories, investigating in all three 24 states, developing a list of alternatives under each 25 of those categories and sites, trying to categorize</p>	<p>1 them, look at ownership, size, impacts of use of each 2 of those sites, and those reports have all been 3 published over the last couple of years.</p> <p>4 What the DMMP does and does not do. I 5 talked about this a little earlier. We are going to 6 identify and recommend alternatives to be looked at 7 for each of the federal projects. We are also going 8 to identify sites and alternatives that other parties 9 can use for nonfederal projects. Any questions?</p> <p>10 Following me will be Jean Brochi of EPA, 11 Region 1, who works for Mel in the Ocean Program.</p> <p>12 MS. BROCHI: Hi, I am Jean Brochi from 13 EPA. I am the project manager for Connecticut 14 Dredging and for the Long Island Sound Project. Can 15 everybody hear me in the back?</p> <p>16 I am going to discuss recent activity 17 that led us to the SEIS process. I will go through 18 what that process is, budget and next steps. So, as 19 Mel had mentioned, the 2012 Corps Appropriation Act 20 extended the use of the New London and Cornfield 21 Shoals disposal sites. For New London the original 22 closure date was October 5th, 2011. And for Cornfield 23 Shoals it was November 6, 2013. Both of those have 24 been extended to December 23rd, 2016. 25 In addition, the purpose of the</p>
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<p>1 Appropriation Act was to allow for completion of a 2 supplemental EIS to support a final designation of 3 disposal site in Eastern Long Island Sound. And a 4 designation does not authorize dredged material 5 disposal. It provides a location for dredged 6 material. In addition, EPA's Appropriations Act of 7 2012 required EPA to report the plans to carry out the 8 supplemental EIS for Eastern Long Island Sound, and to 9 work collaboratively with the Corps and state partners 10 to determine a dredging solution for Long Island 11 Sound.</p> <p>12 The process itself initiates with the 13 Notice of Intent, which was published October 16th. 14 Next we have scoping meeting and a comment period. 15 For the Notice of Intent the comment period ends 16 January 31st. In addition, the public is provided an 17 opportunity to send comments to EPA, and I know you 18 can't read it very well, but we have the web site 19 address, which I will repeat, and a mailing address 20 elis@epa.gov. At any time send us a message if you 21 would like to be added to a mailing list. If you 22 would like to receive announcements or if you would 23 like to provide comments, please send us a message any 24 time. 25 After the scoping meetings we initially</p>	<p>1 select Zone of Siting Feasibility. That is the 2 official name for the area to which we would like to 3 study for this effort. After that we will do an 4 identification of alternatives and data needs for both 5 existing sites, new sites, and review, and what we 6 have available for alternatives. After that there 7 will be a screening phase where we will phase out 8 sites and possible alternatives for areas, reasons 9 some of them can include recreational impacts. Some 10 of them could be debt, the inability to monitor. And 11 some would be excluded because of the feasibility for 12 transportation and management of dredged material.</p> <p>13 Once we select the sites, we will 14 assess data needs, collect data. We will prepare a 15 draft EIS. After that point, we will hold another 16 comment period and have additional public meetings. 17 We will prepare a final supplemental EIS. And then we 18 will have an additional comment period.</p> <p>19 At the very end of the process we 20 publish a final rulemaking and a record of decision 21 and the sites are officially designated, site or 22 sites. The initial part of this effort is to request 23 cooperating agencies to join us, and be involved every 24 step of the way. And that took place in July. That 25 request went out to federal agencies, state agencies,</p>

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<p>1 tribal members. We then followed up with a notice of 2 intent, as I stated, October 16th that was published. 3 All of the information from these meetings, any data 4 needs will be published on the EPA web site. Any 5 announcements, such as the postponement of tomorrow's 6 meeting until January, will also be updated on the EPA 7 web site. That address is 8 <a href="http://www.epa.gov/region1ecolongsounddergelis">http://www.epa.gov/region1ecolongsounddergelis</a>. 9 And if you would like to be on the notification system 10 we are going to do e-mail blasts throughout the 11 process, please contact us at <a href="mailto:elis@epa.gov">elis@epa.gov</a>. You can 12 also contact me directly at <a href="mailto:jeanbrochi@epa.gov">jeanbrochi@epa.gov</a>. 13 This meeting was the first of two public 14 scoping meetings. The New York meeting, as Niek 15 postponed until January 9th. The comment period has 16 been extended to January 31st. And you can provide 17 comments in writing via e-mail, hard copy. In 18 addition to these meetings, additional scoping 19 meetings will be scheduled for the spring and the 20 fall. And we would like to solicit comments on the 21 field plan and data collection needs and various other 22 points throughout the process. 23 So, as I mentioned, the first step is to 24 identify zone of siting feasibility. And on this you 25 can see that I included Western, these are all active</p>	<p>1 sites, Western Long Island Sound site, Central Long 2 Island site, Cornfield, and New London. Zoning 3 feasibility right now, this effort will not 4 investigate Western and Central Long Island Sound. We 5 have already completed that in the first round of the 6 EIS. We are only looking at the eastern region, and 7 the zone of siting feasibility will be further refined 8 and available for public comment. 9 Part of this process is including the 10 DMMP efforts, as well as previous efforts in all of 11 the data collection that we completed for the original 12 EIS. The data collection for that effort was from 13 1999 until 2002. And originally when we started that 14 effort we did investigate soundwide data collection 15 efforts, and we have some of that available to us. 16 In addition, EPA on their own research 17 vessel, conducted site monitoring in 2007 and 2009 18 through 2012. In addition, the Corps of Engineers has 19 a disposal monitoring program where they are in the 20 field every year monitoring and managing the disposal 21 at the disposal sites. And that included 10 surveys 22 from the New London site since 1990, which included 23 bathy, physical oceanography, benthic biology, and 24 chemistry, as well as the Cornfield Shoals Disposal 25 Site. They conducted three surveys there since 1990,</p>
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<p>1 and that included bathy and sediment transport. 2 The Rhode Island Disposal Site, which had completed 3 four surveys, that was since 2000. And that included 4 bathy, benthic biology, lobster abundance, and plume 5 tracking. 6 All of the Corps' monitoring and data 7 report are available on the Corps web site, as well. 8 As Mel had mentioned, as part of the EIS 9 effort, and the DMMP effort, EPA will be using some of 10 the reports and data that has been collected through 11 the Corps' DMMP process. An example is the Dredging 12 Needs Report, which was completed in October 2009, and 13 that stated that 13.5 million cubic yards would need 14 to be dredged from Eastern Long Island Sound channels 15 and harbors over the next 26 years. The planning 16 horizon goes to 2028. And that is a planning horizon 17 that the Corps used to assess the passing. 18 In addition there is a report called the 19 Upland Beneficial Use and Sediment Dewatering Reports. 20 They were completed in 2009 and 2010. They determined 21 that there were very few alternatives for open water 22 disposal sites in Connecticut. And the majority of 23 those are beach nourishment. 24 Several other studies will be used for 25 this effort, such as the literature search, dredging</p>	<p>1 needs, economics, and disposal alternatives. Some of 2 the graphs and the chart over there, which is Long 3 Island Sound dredging needs, are part of the DMMP 4 effort, and will be produced as part of that effort. 5 The Disposal Alternatives Study includes 6 upland, nearshore, beneficial use, and aquatic 7 disposal. 8 Alternatives investigated include 9 Landfills, Beaches, Redevelopment, Habitat 10 Restoration, and dewatering sites. Here is a graph 11 representing some of the locations in that report. 12 And you can see the yellow identifies beaches. The 13 purple identifies available landfills. The red 14 identifies redevelopment locations. The green, which 15 may not be obvious here, is habitat restoration, and 16 then the blue is dewatering. The budget EPA estimates 17 will be \$3.3 million for a total cost for this effort. 18 Again, this is a supplemental EIS. The Connecticut 19 State Bond Commission through the efforts of 20 Connecticut DOT, and with assistance from Connecticut 21 DEEP, have approved \$1.8 million for this effort, and 22 that was approved in October 2011. That will fund 23 efforts to support the SEIS. The initial project for 24 that will be physical oceanography, looking at the 25 Eastern Sound and sediment transport. There will be</p>

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<p>1 additional environmental studies, as well as 2 documentation of public scoping meetings that those 3 funds will be used for.</p> <p>4 The next step for this effort is to hold 5 additional meetings in 2013, additional public scoping 6 meetings. We expect to have a draft supplemental EIS 7 completed by 2014. A final completed by 2015. And if 8 the supplemental does, in fact, recommend designations 9 of one or more sites we will have a final rulemaking 10 published in December of 2016.</p> <p>11 With that I will call George Wisker from 12 Connecticut DEEP. Thank you.</p> <p>13 MR. WISKER: As Jean mentioned, my name 14 is George Wisker. I am an Environmental Analyst with 15 the Department of Energy and Environmental Protection. 16 I can't get used to that extra "E" in there. I have 17 been asked to just outline what the department's role 18 in the SEIS will be.</p> <p>19 Our current regulatory role is that we 20 are the part of the department that actually regulates 21 dredging and dredge management. We do that according 22 to the Connecticut Structures and Dredging Act and in 23 accordance with Connecticut's Water Quality Standards.</p> <p>24 We are also the agency as close to 25 states around us have separate coastal management</p>	<p>1 agencies that are separate coastal management 2 reviewed. Connecticut DEEP actually incorporated the 3 Coastal Management part of the review in with the 4 permit. We also include a water quality certificate 5 in there. Instead of getting three separate 6 documents, there is one permit issued. That is for 7 private projects. With regards to our other program 8 with the federal government, the federal government 9 really does not give permits, particularly for water 10 quality. So we review these projects for disposal of 11 program consistency so that we are ensuring that all 12 our coastal resources are adequately addressed, 13 protected, as well as dealing with promotion of water 14 dependent uses.</p> <p>15 The Clean Water Act is the other part 16 that we regulate. What we are trying to do there is 17 certify that discharges of dredged material or 18 anything into the bodies of water will not impair uses 19 and result in a permanent impairment. We realize 20 sometimes with discharges you will get a temporary 21 impairment. The key is not to have permanent 22 impairment.</p> <p>23 Now, the role of SEIS is really quite 24 simple. We are going to try to provide whatever 25 information we may have to EPA, the contractors, to</p>
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<p>1 help them fill in some of the data gaps. There have 2 been times where our agency goes out, and does fishing 3 trolls, surveys, water quality monitoring. All that 4 information will be available to the contractors.</p> <p>5 Finally, the department is going to coordinate, 6 provide ongoing coordination with the agencies, the 7 contractors, and evaluate a lot of the work products 8 that are going to come out. We have already been 9 involved heavily with the Dredged Material Management 10 Plan. And we will be involved in providing comments 11 on work products coming out of this.</p> <p>12 And also, finally, when there is a final 13 product that comes out of this record of decision, we 14 will provide and evaluate Coastal Management 15 Consistency with our program under the Coastal Zone 16 Management Plan. That really is the nature of our 17 role in this particular process.</p> <p>18 Do you have a question?</p> <p>19 A VOICE: I am interested exactly to 20 know how the department defines and differentiates 21 between temporary and permanent impairment of marine 22 resources.</p> <p>23 MR. WISKER: A good example of that would 24 be --</p> <p>25 A VOICE: Repeat the question.</p>	<p>1 MR. WISKER: The question was, how does 2 the department differentiate between temporary 3 impairment and permanent impairment of resources. A 4 good example of that would be if you did a dredged 5 material disposal at a site. What would happen is if 6 there were critters buried on the bottom they would 7 get buried under the material. What actually would 8 happen is there is a recolonization that occurs. 9 There is a temporary impairment to the critters at the 10 site, but there is a recolonization that occurs.</p> <p>11 Overall it was a temporary hit not a permanent hit.</p> <p>12 MS. STREET: My name is Jennifer Street. 13 I am with the New York State Department of State with 14 their Coastal Management Program. Similar to what 15 George had mentioned earlier we, our state, not 16 similar, different to what George had said before, the 17 Department of State administers the Coastal Management 18 Program. New York State DEC issues water quality 19 certifications and permits for actual activities in 20 the water. And then New York state Office of General 21 Services is actually the agency that overseas the use 22 of state lands. All three of our agencies have a role 23 in dredging projects in New York State as it pertains 24 to the dredging and disposal. Our primary program 25 goals, we manage our program to balance the protection</p>

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<p>1 of natural and cultural resources with the economic 2 development within the coastal zone. And we 3 coordinate decision making at all levels of 4 government. At least we try to.</p> <p>5 Our role in Long Island Sound is in 1982 6 the New York State Coastal Management Program was 7 finalized and approved by NOAA. In 1999 the Long 8 Island Sound Coastal Management Program is the 9 regional program, the regional refinement that New 10 York State has had incorporated into the Coastal 11 Management Program for all projects within the Long 12 Island Sound region.</p> <p>13 Then in 2006 our program also went 14 through an additional change implementing interstate 15 consistency, extending our coastal area boundary to 16 the 20-foot by bathymetric contour closest to the 17 Connecticut shoreline, and also some boundaries that 18 we currently share, as well. I know Connecticut also 19 had a program change similar during that time for 20 interstate consistency with our side of Long Island 21 Sound. This is just a basic explanation of the 22 Coastal Zone Management Act establishing a framework 23 of review for all proposed federal activities that 24 were within or would affect a state's designated 25 federally approved coastal area. Federal activities</p>	<p>1 refer to the funding, permitted rule making, or direct 2 action undertaken by a federal agency. In which case 3 we would evaluate a project or a proposed rule or a 4 federal undertaking and review it against our program, 5 and based upon the analysis of the effects of that 6 activity on the enforceable policies of the CMP we 7 would either concur with or object to a proposed 8 activity.</p> <p>9 Our involvement in the SEIS process, we 10 have been requested to be a cooperating entity in the 11 SEIS process. We will provide written scoping 12 comments, available data information throughout the 13 process. And we will review work projects and provide 14 comments as needed. And eventually potentially review 15 any potential federal actions for consistency with the 16 New York CMP. Any questions?</p> <p>17 MR. VERAART: We will have a five-minute 18 break so people can register at the registration desk 19 if they have any questions. Again, as I mentioned at 20 the beginning of our public meeting, if you could also 21 please identify your contact information and any 22 affiliation that you have with an organization, and if 23 you have any questions for any particular agency or a 24 particular individual representing agencies, if you 25 could also indicate that. It will just make it a</p>
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<p>1 little easier to direct the questions to the 2 appropriate person. There are basically two groups of 3 questions, if you will, or subjects that are being 4 discussed. One is the supplemental EIS by the EPA. 5 And the other is Federal Management Program led by the 6 Corps of Engineers. Keep that in mind as you are 7 framing your questions. Any questions at this point 8 about logistics? No. Thank you.</p> <p>9 I was told I have to speak close to the 10 microphone because of the acoustics and our court 11 reporter. Before we proceed with the comments, 12 Mr. Cote from EPA would like to say a few things.</p> <p>13 MR. COTE: Thank you, Niek. And a major 14 oversight on my part, I wanted to thank the University 15 of Connecticut for hosting tonight's activity. I 16 appreciate very much the facility, and everything that 17 goes with it. Thank you very much. And secondly, and 18 I don't think I can emphasize this enough, about the 19 process, it tends to be a very open process and we 20 have official comment periods with almost every notice 21 that we do. But I do want to emphasize that in 22 practice that we are taking comment from anyone at any 23 time throughout the entire process. It is not a 24 closed process. We do want your input. We need your 25 information, data. That is all I wanted to add. And</p>	<p>1 then we will now go to public comment. Thank you.</p> <p>2 MR. VERAART: Thank you. We have 3 at this point, we have three commenters at this point, 4 Louis W. Burch, Adam Wronowski, Christian McGuyun. So 5 Mr. Burch, if you could please, you can stay seated. 6 I will come over to you.</p> <p>7 MR. BURCH: Thank you very much for the 8 opportunity. My name is Louis Burch. I am the 9 Connecticut Program Coordinator for Citizens Campaign 10 for the Environment. We are a member supported 11 environmental group with over 85,000 members in 12 Connecticut and New York and growing. Citizens 13 Campaign for the environment is an active member of 14 the Long Island Sound Citizens Advisory Committee and 15 we participated in the Long Island Sound Dredge 16 workshop set by EPA and the Army Corps.</p> <p>17 In 2004 CCE opposed the Environmental 18 Protection Agency's plan to designate two 20-year dump 19 sites in the Long Island Sound. CCE understands that 20 while dredging is important for the safety of 21 navigation and is a necessary activity, that open 22 water disposal of those dredge materials is not. 23 Long-term dump sites in the Long Island Sound, the EPA 24 released a notice of intent to prepare a supplemental 25 environmental impact statement for the designation of</p>

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<p>1 those two long-term dump sites. And EPA states that 2 it is necessary because of the Cornfield Shoals and 3 New London disposal sites were set to expire September 4 16th, 2016.</p> <p>5 In 1992 an amendment to the Marine 6 Protection Research and Sanctuaries Act established a 7 time limit on disposal sites. When Congress passed 8 this important Act the intent was to stop dumping and 9 to phase it out over time, and not to go through a 10 lengthy process to allow open water dumping to 11 continue.</p> <p>12 In 2003 the EPA released a Draft 13 Environmental Impact Statement for the designation for 14 two long-term disposal sites in the western area of 15 Long Island Sound. And due to an overwhelming public 16 outcry, EPA, the states of New York and Connecticut 17 reached an agreement that sought to phase out open 18 water dumping. As part of this agreement a Dredged 19 Material Management Plan was supposed to be developed. 20 And the EPA's final notice in that agreement was the 21 DMMP for Long Island Sound Dredge Materials Management 22 Plan would include the identification of alternatives 23 to open water disposal and standards for the use of 24 practical alternatives to open water disposal so as to 25 reduce, wherever practicable, the open water disposal</p>	<p>1 of dredge materials. To date that DMMP has not been 2 developed. And CCE believes that is a imprudent to 3 proceed with the long-term designation of open water 4 disposal sites before that development of a final 5 DMMP. Particularly since the goal and intent of the 6 plan was to reduce open water disposal, not to 7 re-locate open water disposal. So a few specific 8 comments, CCE offers the following items that should 9 be addressed in the Supplemental Environmental Impact 10 Statement.</p> <p>11 First of all, consider that the Eastern 12 Long Island Sound is the most biologically diverse 13 portion of Long Island Sound. EPA needs to conduct a 14 thorough analysis of all the species located in these 15 waters and assess how long-term dumping will affect 16 species diversity.</p> <p>17 Also an assessment of the highly diverse 18 and critical benthos and bottom topography need to be 19 undertaken. As well as the fact that the Eastern Long 20 Island Sound is also a very busy zone for navigation, 21 national security, waterborne commerce, and 22 recreational boating. The EPA needs to assess how 23 these activities will be impacted or harmed or 24 hindered because of a long-term dump site.</p> <p>25 Eastern Long Island Sound is also an</p>
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<p>1 important spot for commercial and recreational 2 fishing. And the impacts to the fishing community 3 also need to be accurately captured before moving 4 forward.</p> <p>5 EPA needs to fully document how 6 long-term dumping will affect the water quality in the 7 affected area of Long Island Sound.</p> <p>8 The EPA needs to ensure that the guiding 9 principles of the bi-state agreement between New York 10 and Connecticut which seek to reduce and eliminate 11 open water dumping be captured in the SEIS.</p> <p>12 EPA also needs to identify disposal 13 alternatives. The DEIS for the Western open water 14 disposal sites was quick to rule out disposal 15 alternatives as not being feasible. The DMMP, on the 16 other hand, was supposed to focus on alternatives. 17 Yet, in the many meetings that CCE attended there was 18 very little discussion of alternatives.</p> <p>19 Furthermore, the EPA needs to evaluate 20 the potential release of pathogens and toxic 21 contaminants.</p> <p>22 And the EPA should ensure a transparent 23 and open process in which public comments are welcomed 24 and solicited.</p> <p>25 In conclusion, CCE continues to be</p>	<p>1 concerned with the process of designating open water 2 disposal sites in the Eastern Long Island Sound, 3 particularly because of the agreements that we should 4 be phasing out open water disposal and working to find 5 good alternatives to dredged material. Open water 6 disposal is a quick, seemingly cheap fix, which is 7 negatively creating lasting and costly effects to our 8 estuarine ecosystems. Thank you very much for the 9 opportunity to be heard.</p> <p>10 MR. VERAART: Thank you very much. 11 Appreciate it. The next comment is from Adam 12 Wronowski. If you have a letter you can also give it 13 to the court reporter, if you wish, and she can enter 14 it into the public record.</p> <p>15 MR. WRONOWSKI: I have already 16 submitted my written comments at the door.</p> <p>17 My name is Adam Wronowski. And I 18 represent Cross Sound Ferry, Block island Ferry 19 Services, Thames Shipyard &amp; Repair Company, Thames 20 Dredge &amp; Dock Company, and Thames Towboat Company, all 21 of which are Connecticut Corporations. I am also the 22 Director of the Connecticut Maritime Coalition. These 23 five marine businesses I have just listed operate on 24 Eastern Long Island Sound and its tributary waters, 25 and they rely on dredging as a fundamental necessity</p>

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<p>1 for their existence. Together these five businesses  2 employ over 500 persons. Cross Sound Ferry Services  3 and Block Island Ferry Services provide essential  4 transportation to the public and serve as a lifeline  5 to Block Island and Long Island. Thames Towboat  6 provides all of the ship docking services in New  7 London Harbor and is responsible for the safe movement  8 of every nuclear submarine and naval vessel that  9 transits New London Harbor and the Thames River.  10 Thames Shipyard provides critical maintenance services  11 to dozens of large passenger and vehicle ferries in  12 the Northeast. Thames Dredge and Dock provides a  13 vital dredging and disposal services that are the  14 subject of this meeting. These businesses operate in  15 publicly and privately maintained coves, harbors, and  16 channels in Eastern Long Island Sound that require  17 dredging. If dredge spoil disposal is prohibited in  18 Eastern Long Island Sound, these businesses will be  19 severely negatively impacted.</p> <p>20 As an alternative to an open sound or  21 open water disposal site in Eastern Long Island Sound,  22 I encourage the EPA to carefully consider the  23 development of a CAD cell in the Thames River. The  24 U.S. Navy just two years ago demonstrated the  25 feasibility of this. There exists a CAD cell right</p>	<p>1 now in the Thames River that the U.S. Navy has used to  2 dispose of hundreds of thousands of yards of material.  3 Rhode Island, through the Corps of Engineers, and EPA,  4 also has displayed the feasibility of creating a CAD  5 cell for disposal of all of their dredged spoils.</p> <p>6 I would also like the EPA to consider  7 the negative impacts of not creating an Eastern Long  8 Island Sound disposal area. Economically, if dredging  9 projects are to occur in Eastern Connecticut and there  10 is not an Eastern Long Island Sound disposal area,  11 those dredge spoils have to be towed to either the  12 Central Long Island Sound disposal site or the Western  13 Long Island Sound disposal site. The cost of that  14 additional towing can more than double the cost of the  15 dredging. That is the economic impact. The  16 environmental impact of towing those dredge spoils  17 across Long Island Sound can be measured in air  18 quality impacts. To tow those dredge spoils a tug has  19 to tow that scow. That tug burns diesel fuel. The  20 amount of diesel fuel that it takes to tow a scow from  21 Eastern Connecticut to these disposal sites, as  22 compared to towing them right to an Eastern Long  23 Island Sound disposal site, is significant. Thank you  24 for the opportunity to comment.  25 MR. VERAART: Thank you, Mr. Wronowski.</p>
Page 39	Page 40
<p>1 The next person is Christian McGuyun.  2 MR. MCGUYUN: Thanks for the opportunity  3 to speak. I am the owner and operator of two  4 businesses in Mystic, Connecticut. It is a family  5 business. I am owner and operator of Gwenmor Marina  6 and Gwenmor Marine Contracting. In fact, I tow these  7 barges way up and down the Sound, and agree with  8 almost everything that he said. So I am going to talk  9 about things in a very basic way because that is the  10 only way I understand this situation. I don't  11 understand all the science of it. I do understand the  12 economics of it.</p> <p>13 So I came to this thing at the Groton  14 Motor Inn in 2005 and heard a lot of talk about  15 alternative disposal methods, and so the gentleman  16 spoke personally about a topic that wasn't talked  17 about very much. There is a reason that wasn't talked  18 about very much. That is because it is economically  19 unfeasible as a small operator, I guess I am speaking  20 for all the small guys, collectively that is a lot of  21 people, a lot of recreational boaters. That is who we  22 dredge for, marinas, and all along the Connecticut  23 shoreline all the way down to City Island. So to  24 dredge in Mystic and to take the sediments to New  25 Haven is an economically unfeasible situation for a</p>	<p>1 marina. You can't sustain that as a marina operator  2 to pay the cost of dredging and think you are going to  3 get it back through slips or any other way. I hate  4 to be totally crude, but it is the same story as if  5 you are in your yard and you have a pile of dirt and  6 you want to get rid of it. There is a hole and you  7 throw it in the hole. If you have to go to the town  8 dump you have to load it three times. It costs you  9 more money, energy. It just doesn't happen.</p> <p>10 We have tried it. And effectively for  11 the last couple of years New London dump site has been  12 closed. Until a few weeks ago there wasn't a drop of  13 sand dropped at New London for two years. So  14 effectively it was closed.</p> <p>15 Permits are being issued to marinas,  16 mine included, that they might as well not be permits  17 at all. You pay seven to \$9,000 to get your permit to  18 dredge. It says, well, you can dredge, but go to New  19 Haven. You need to cap it two to one. So your  20 dredging is 17,000 yards. You need 35,000 yards of  21 cap material. It is like winning the lottery. There  22 are other marinas just like mine, Mystic River, and  23 all of the Connecticut shoreline, that have these  24 permits that are basically useless. They are fantasy.  25 So I guess my larger point is a long</p>



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<p>1 time ago when boating exploded in the '50's, and 60's,  2 and all these marinas started flourishing all over  3 Connecticut, a lot of marinas in Connecticut have  4 dredged material, including mine. And I know of many,  5 many others who dredge and made a yard, it has never  6 happened nowadays. That is an example of when you  7 dredge the easiest and most convenient way is to put  8 your material is right there. Now you have a marina.  9 That is not going to happen anymore, but to take it to  10 the town dump or to take it to New Haven, to close the  11 dump sites that originally there were four dump sites,  12 that seems to make sense. It almost makes too much  13 sense. Along the Long Island Sound there are four  14 dump sites. You take the stuff out and dump it.  15 Somewhere along the line they had it right.  16 Now, as Adam said, you take away the  17 ability to do that when you are saying it is a  18 fundamental question whether you are going to allow  19 dredging or not allow dredging. There are a couple of  20 marinas in the Mystic River that have been choked off,  21 they are out of business, no more docks there. They  22 lost the ability to dredge. It is financially not  23 feasible. There are more on the way.  24 So I would encourage, as Adam said, CAD  25 cell, we dump into the CAD cell in Rhode Island.</p>	<p>1 There is a CAD cell in the Thames River. That is the  2 only alternative disposal method that I have heard of  3 that makes sense financially and in a common sense  4 sort of way. I would invite anyone in this room after  5 I speak to let me know how we are going to dredge and  6 take it to New England Disposal Technologies up in  7 Massachusetts. Which I did. It was \$126 a yard. It  8 is not feasible. So you need to allow dredging. The  9 reason for the CAD cell in Rhode Island was, as you  10 may recall, some of you, there was a barge, they had  11 to use a lighter barge to get into Narragansett Bay.  12 It had not been dredged in so long. Now one of these  13 barges went aground in Misquamicut. Now there is oil  14 all over the place. They said maybe we should have a  15 CAD cell in Narragansett Bay? And they did. They  16 allowed them to be dredged. It took something like  17 that to happen. I hope we don't get that far along  18 with this. I would encourage everyone involved to  19 consider the financial feasibility for the  20 recreational boaters. I am definitely in support of  21 having four managed sites along the Sound, as we have  22 in the past.  23 MR. VERAART: Thank you for your  24 comments. I appreciate it.  25 Next commenter is the Connecticut</p>
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<p>1 Maritime Coalition, Mr. William Gash.  2 Hi, good evening, I am William Gash. I  3 am the Executive Director of the Connecticut Maritime  4 Coalition. We are a trade organization in the state  5 and we represent the maritime industry in the state,  6 specifically the deep water ports of Bridgeport, New  7 Haven, and New London. The only reason I am speaking  8 now is I did not have my name on the list to speak,  9 but I just wanted to comment that the first that I  10 have ever heard that we were going to end open water  11 disposal in Long Island Sound is tonight. And I  12 certainly don't know of any agreement between the  13 states to end open water disposal. And it would be  14 interesting if such an agreement exists.  15 Also, I would like to use the word  16 "disposal" and not "dump". There is a lot of time and  17 money and science that is put into these disposal  18 sites in the Long Island Sound. And it is a very  19 controlled evolution. We are just not taking dredged  20 materials from a harbor or channel and really  21 literally dumping them somewhere out in Long Island  22 Sound. We are actually disposing of them in a very  23 controlled and scientific monitored fashion. Thank  24 you for letting me comment.  25 MR. VERAART: Thank you for your</p>	<p>1 comment. Are there any other people who wish to  2 comment? You can come forward and enter your name on  3 the list.  4 A VOICE: Can somebody explain what a  5 CAD cell is?  6 MR. VERAART: Mark? Thank you.  7 MR. HABEL: CAD cells are holes dug in  8 the bottom of the harbor or some other water body into  9 which we place material that is going to be confined.  10 Now, it is very different from the material that would  11 otherwise go out to open water disposal sites, capped  12 or uncapped. What was done in Providence, in Boston  13 Harbor, in Norwalk, and in Hyannis even, was that we  14 had material that when it was chemically tested could  15 not be placed in an open water disposal site. It was  16 too contaminated. So we needed to either take that  17 material upland at very high cost, treat it at even  18 higher cost, or place it in a CAD cell.  19 The CAD cells of Providence have been  20 mentioned tonight a couple of times. Those are pits  21 that were dug in the bottom of the Navigation Basin in  22 the Port of Providence. They went down 80, 90,  23 maybe 100 feet, just like they did in Boston. The  24 material that was dredged to create the CAD cells was  25 tested and found suitable for ocean disposal, and went</p>

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<p>1 out to the offshore disposal site. It did that in all 2 of those cases. After the holes were dug, the 3 material that had been tested and found not suitable 4 to go to the ocean was placed in a CAD cell, and then 5 the CAD cells when they were full were capped with 6 other clean material dredged from other parts of the 7 harbor channels.</p> <p>8 Now, at Providence and in Boston some of 9 the cells weren't full when we were done. And the 10 states paid to make those cells even bigger so that 11 they could make the capacity available to nonpublic 12 projects, marinas, and others, to use if their 13 material tested as unsuitable to go to open water.</p> <p>14 So that is what has happened with 15 Providence. That is what happened in Boston. I 16 believe the cells in Hyannis and Norwalk were just for 17 the federal projects in those instances.</p> <p>18 A VOICE: New Bedford?</p> <p>19 MR. HABEL: New Bedford they have 20 created cells. The Corps has not used them yet.</p> <p>21 A VOICE: There is about to be another 22 CAD cell constructed for the disposal of contaminated 23 material in New Bedford.</p> <p>24 MR. HABEL: New Bedford is a project for 25 CAD cells that is being led by the State of</p>	<p>1 Massachusetts, and the City. The Corps hasn't had any 2 development in that yet, other than permitting the 3 creation of those cells. But, again, cells are not 4 for material that would otherwise go to the ocean 5 sites. It is for material that has been tested and 6 found that it can't go to the ocean sites. Because 7 you have to pay for the cell. In order for the cell 8 to fit the dredged material it has to be at least one 9 and a third or more times the size of the material 10 that is going in. Because once you dredge material 11 and dump it, it is going to be bulked up. It 12 increases your dredging costs in general by about two 13 and a half times the use of a CAD cell. And that is 14 certainly cheaper than treatment technologies that 15 exist today or taking the material elsewhere upland. 16 CAD stands for confined aquatic disposal. Are there 17 any other questions on CAD cells?</p> <p>18 A VOICE: When the CAD cell is dug, 19 wouldn't it be an idea to charge people to use that 20 cell? It would still be cheaper for them to dredge 21 and dump in closer proximity.</p> <p>22 MR. HABEL: Yes, that is what has been 23 done in Providence. The State of Rhode Island paid 24 the Corps to make the cells bigger than what the Corps 25 needed for the Port of Providence, and a couple of</p>
Page 47	Page 48
<p>1 other smaller federal projects. And the state then, 2 in turn, charges marinas to use the CAD cells. So, 3 yes, that can be done.</p> <p>4 A VOICE: Has Connecticut shown any 5 interest in doing this? Have you seen any proposals?</p> <p>6 MR. HABEL: You would have to ask 7 Connecticut. George?</p> <p>8 MR. WISKER: The problem is the cost 9 with the budgetary issue and things to get the money 10 available to do that. Most CAD cells that are done, I 11 know the Navy had done one in the Thames River, those 12 projects are not sized to accommodate everyone. 13 Generally if an individual, corporation, or agency is 14 doing a CAD cell it is to accommodate their material. 15 They are going to try to keep the thing minimally 16 sized because they are the ones paying for it. I 17 don't know particularly, maybe Danny from Rhode 18 Island, how is that funded, Danny?</p> <p>19 A VOICE: We talked about the oil spill. 20 We had an oil spill response. Every barrel that comes 21 across the dock in Providence there is a fee levied, 22 and you took the money from that levy to pay our share 23 of the CAD cell.</p> <p>24 MR. WISKER: For those who couldn't hear 25 Dan, what they do is for every barrel of oil that</p>	<p>1 comes into the port there is a fee attached to that. 2 And then that goes to help fund costs for maintenance, 3 and digging these things.</p> <p>4 MR. VERAART: That was a discussion 5 about CAD cells. We have another commenter. Jeff 6 Kateley of the Connecticut Dredge Corporation. Good 7 evening.</p> <p>8 MR. KATELEY: Jeff Kateley of 9 Connecticut Dredge Corporation. Just the general 10 public I guess they think of this as dumping grounds. 11 Most of the areas are disposal areas. All of the 12 material that we take from Point A to Point B from a 13 dredging site is put through, as Christian said, a lot 14 of testing. They know exactly what is in every 15 molecule that goes through. 30 years ago, 40 years 16 ago, the instruments used to test couldn't, or maybe 17 parts per hundred. Now there are parts per million. 18 So they find every little tidbit of whatever is in the 19 material before it even gets to the disposal area, 20 before it is even permitted.</p> <p>21 In the dredging process we go out. Lately 22 our barges are monitored 24 hours a day, seven days a 23 week, through the federal government. Years ago, back 24 in the '60's and '70's, I believe there was almost a 25 disposal ground off of almost every port that needed</p>

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<p>1 to be dredged. Instead of four there was probably six</p> <p>2 or eight up and down the Sound --</p> <p>3 A VOICE: 19.</p> <p>4 MR. KATELEY: 19. The big push of the</p> <p>5 '60's, '70's, or '80's, environmental push made the</p> <p>6 government consolidate to four. You would think the</p> <p>7 materials, say, off of Clinton Harbor, the material</p> <p>8 that we dig out of Clinton Harbor should be put right</p> <p>9 off of Clinton Harbor. It is the same stuff that</p> <p>10 comes out of the river, just like the material that</p> <p>11 comes out of the Connecticut River. Well, it makes</p> <p>12 sense put it off of Cornfield Shoals, that is where</p> <p>13 the material is coming from. It is not like -- it</p> <p>14 shouldn't be transported from, say, New London, to New</p> <p>15 Haven. You know, it is ridiculous to think that that</p> <p>16 material has to get moved that far. The diesel fuel,</p> <p>17 as Adam said, it is ridiculous, the cost probably</p> <p>18 tripled just to get it from New London out.</p> <p>19 You guys, I guess the impact study we are</p> <p>20 spending another \$10 million on an impact study that</p> <p>21 has already been hashed over years past. It is my tax</p> <p>22 dollars, your tax dollars, in a government that is</p> <p>23 bankrupt to begin with. Thanks for your time.</p> <p>24 MR. VERAART: Thank you for your</p> <p>25 comment.</p>	<p>1 Do you wish to make a comment, sir?</p> <p>2 MR. VISEL: I will probably hate myself</p> <p>3 in the morning.</p> <p>4 MR. VERAART: Write down your name.</p> <p>5 MR. VISEL: Tom Visel, Ivoryton,</p> <p>6 Connecticut. I started working in 1978. I did my</p> <p>7 first dewatering upland disposal in 1983 in Osterville</p> <p>8 on the Cape where I urged communities, I think they</p> <p>9 have it now, to have a regional cooperative dredge</p> <p>10 program on Cape Cod. The dredging projects that I</p> <p>11 worked with were usually rivers and creeks. They were</p> <p>12 mostly composting leaves. We need to know what type.</p> <p>13 We are in a period of high heat, low energy. We have</p> <p>14 our tree canopy back. We have a lot of leaves in our</p> <p>15 estuaries. When you dredge the lower river you are in</p> <p>16 the leaf business. Basically, when you look at the</p> <p>17 1950's for these lower rivers and creeks that were</p> <p>18 dredged it was fish food. A lot of fishermen in the</p> <p>19 '50's and '60's would head to the disposal sites</p> <p>20 because they knew that is where the flounder were. We</p> <p>21 couldn't even find the dredge disposals back then.</p> <p>22 You know if it is clean sand. Something we could use.</p> <p>23 Even cobblestone, whether it is something that needs</p> <p>24 to be contained or capped or whether it is just</p> <p>25 leaves. We have a lot of leaves. Thank you.</p>
Page 51	Page 52
<p>1 MR. VERAART: Thank you for your</p> <p>2 comments, sir. Anybody else have any comments</p> <p>3 at this point?</p> <p>4 MS. CODORE: Abbie Codore. I manage a</p> <p>5 marina at the mouth of the Connecticut River. We have</p> <p>6 to dredge every two years just to maintain, to bring</p> <p>7 in power boats not sailboats. Everything that is</p> <p>8 coming down is what is going right out the river. It</p> <p>9 is just stopping, some of it is stopping at my marina</p> <p>10 and has to be removed. The same thing is going out</p> <p>11 into Long Island Sound. It is nothing that isn't</p> <p>12 already there. I am also on the Long Island Sound</p> <p>13 Citizens Advisory Commission. We feel as marina</p> <p>14 owners and managers, a lot of others feel if we don't</p> <p>15 take good care of the environment people aren't going</p> <p>16 to want to be on Long Island Sound. To get the people</p> <p>17 on Long Island Sound we have to dredge so we can</p> <p>18 maintain public assess. My marina hires a lot of</p> <p>19 people and brings in a lot of tourist dollars. I</p> <p>20 think that is important to look at for the economy, as</p> <p>21 well as looking at the environmental impact of this,</p> <p>22 which isn't really much more than what comes down in</p> <p>23 the spring anyways. Thank you.</p> <p>24 MR. VERAART: Thank you for your</p> <p>25 comment. Anybody else would like to make a comment?</p>	<p>1 We will leave the meeting open for another 10, 15</p> <p>2 minutes or so in case anybody thinks of a comment. If</p> <p>3 you have a comment, please go to the registration</p> <p>4 desk, and put down your name, thank you.</p> <p>5 (Recess taken.)</p> <p>6 MR. COTE: This is the Mel Cote with</p> <p>7 the U.S. Environmental Protection Agency. It is now 7</p> <p>8 p.m., November 14th, 2012. We are bringing this</p> <p>9 public scoping meeting to a close on the Eastern Long</p> <p>10 Island Sound Supplemental Environmental Impact</p> <p>11 Statement.</p> <p>12 (Whereupon the Public Hearing adjourned at</p> <p>13 7:00 p.m.)</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

## 1 CERTIFICATE

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5  
6 I hereby certify that I am a Notary Public, in  
7 and for the State of Connecticut, duly commissioned  
8 and qualified to administer oaths.

9 I further certify that the foregoing proceedings  
10 were taken by me stenographically and reduced to  
11 typewriting under my direction, and the foregoing is a  
12 true and accurate transcript of the proceedings.

13 Witness my hand and seal as Notary Public  
14 the 28th day of November, 2012.

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16  
17 \_\_\_\_\_  
18 Notary Public  
19 My Commission Expires:  
20 November 30, 2017  
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## C E R T I F I C A T E

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the 28th day of November, 2012.



Notary Public

My Commission Expires:

November 30, 2017

**Attachment 6**

**TRANSCRIPTS OF PUBLIC COMMENTS,  
RIVERHEAD, NEW YORK  
JANUARY 9, 2013**

# USEPA PUBLIC MEETING

<p>1 SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT TO 2 EVALUATE THE POTENTIAL DESIGNATION OF ONE OR 3 MORE DREDGED MATERIAL DISPOSAL SITES IN 4 EASTERN LONG ISLAND SOUND</p> <p>5 January 9, 2013 6 2:30 p.m. 7 Culinary Center 8 Suffolk Community College 9 Main Street 10 Riverhead, New York</p> <p>11 P R E S E N T: 12 THE LOUIS BERGER GROUP, INC. 13 BERNWARD J. HAY PH.D 14 PRINCIPAL ENVIRONMENTAL SCIENTIST</p> <p>15 THE LOUIS BERGER GROUP, INC. 16 NIEK VERAART, AICP, ASLA 17 VICE PRESIDENT, FACILITATOR</p> <p>18 SPEAKERS: 19 MEL COTE, EPA REGION 1 20 MARK HABEL, CORPS OF ENGINEERS, NEW ENGLAND 21 JEAN BROCHI, PROJECT MANAGER EPA REGION 1 22 GEORGE WISKER, CONNECTICUT DEPT. OF ENERGY, 23 AND ENVIRONMENTAL PROTECTION 24 JENNIFER STREET, NEW YORK DEPARTMENT OF STATE</p>	<p>1 [TIME NOTED: 2:40 P.M.]</p> <p>2 MR. VERAART: Thank you. Welcome to 3 this public meeting. A couple of housekeeping 4 items, the rest rooms are right outside to your 5 right to the hall here. If you will please all 6 turn off your cell phones, put them on vibrate. 7 It would be much appreciated.</p> <p>8 My name is Niek Veraart. I am with The 9 Louis Berger Group, an environmental consulting 10 firm under contract to the University of 11 Connecticut, which is under contract to 12 the Connecticut Department of Transportation. 13 We've been retained to assist with this 14 public meeting and the preparation of the 15 Supplemental Environmental Impact Statement.</p> <p>16 This meeting is held to solicit comments as 17 part of the environmental review under the 18 National Environmental Policy Act to prepare a 19 Supplemental Environmental Impact Statement to 20 evaluate the potential designation of one or more 21 Ocean Dredged Material Disposal Sites, ODMDs, to 22 serve the eastern Long Island Sound region in 23 Connecticut, New York, and Rhode Island.</p> <p>24 The Notice of Intent to prepare the 25 Supplemental Environmental Impact Statement</p>
<p>1 was announced in the Federal Register on 2 October 16, 2012.</p> <p>3 The Federal lead agency is the US 4 Environmental Protection Agency, or EPA.</p> <p>5 EPA is requesting written comments from federal, 6 state and local governments, industry, 7 non-governmental organizations, and the general 8 public on the need for action, the range of 9 alternatives considered, and the potential 10 impacts of the alternatives.</p> <p>11 The first public scoping meeting was held 12 in New London, Connecticut on November 14.</p> <p>13 The second meeting was originally also scheduled 14 for November 2012, but was rescheduled in light 15 of Hurricane Sandy. The period for accepting 16 scoping comments was also extended to January 31, 17 2013. EPA and other agencies will present 18 information about the project for the next hour 19 until approximately 3:30 p.m.</p> <p>20 After the presentations are completed, the 21 floor will be open for comments until 5:30 p.m. 22 If you wish to speak, we ask that you sign up at 23 the registration desk after the presentations 24 have been completed. When you're registering 25 to speak, if you could please provide your contact</p>	<p>1 information and any affiliation if you are 2 representing an organization. A form is provided 3 at the registration desk. Speakers will be heard 4 in the order in which they are registered to 5 speak, with elected officials and government 6 representatives speaking first.</p> <p>7 You may also submit your comments in writing 8 at the registration desk, in which case we also 9 ask that you provide your contact information and 10 affiliation. All comments, written and verbal 11 will become part of the public record. We ask 12 that you limit your comments to no more than five 13 minutes to provide everyone with an opportunity 14 to speak. If you do have extended comments you 15 may want to summarize them in your verbal 16 statement, and submit your detailed comments in 17 writing at the registration desk, which will make 18 them part of the public record. Please note that 19 the focus of this meeting is to receive verbal 20 comments on the Notice of Intent, the 21 presentations this afternoon by the agencies, 22 and the review process. This is not a technical 23 discussion forum.</p> <p>24 The public meeting is being recorded by a 25 stenographer and on audio recording devices. The</p>

# USEPA PUBLIC MEETING

<p>5</p> <p>1 transcript of the meeting will be entered into the 2 public record of the environmental review process 3 and will be made available to the public. Again, 4 the period to submit written comments will end 5 on January 31, 2013.</p> <p>6 We will move on to the presentation 7 portion of the meeting. Please note that the 8 presentations will be made available on the EPA 9 web site after the meeting. So, in case you're 10 trying to take notes, they will be available on 11 the web site.</p> <p>12 The agency representatives that will be 13 presenting and receiving comments this afternoon 14 include the following: Mr. Mel Cote, Manager, 15 Ocean and Coastal Protection Unit, of EPA Region 16 1. He will discuss the EPAs role in disposal 17 site designations, and the history of the process 18 including the designation of the central and 19 western Long Island Sound Dredged Material 20 Disposal Sites. Mr. Mark Habel, from the Army 21 Corps of Engineers, New England District, who will 22 discuss the need for dredging and the role of the 23 Corps. Ms. Jean Brochi, Project Manager, Ocean 24 and Coastal Protection Unit of EPA Region 1. 25 She will discuss the process going forward, the</p>	<p>6</p> <p>1 Supplemental EIS for the Eastern Long Island Sound 2 Region. She will be followed by Mr. George 3 Wisker, Connecticut Department of Energy and 4 Environmental Protection, who will discuss the 5 role of the State of Connecticut. Ms. Jennifer 6 Street, New York Department of State, who will 7 discuss the role of the State of New York. 8 Mr. Cote will now officially open the meeting.</p> <p>9 MR. COTE: Thank you, Niek, and good 10 afternoon everyone. As Niek mentioned, my name 11 is Mel Cote and I'm the manager of the Ocean and 12 Coastal Protection Unit in the US Environmental 13 Protection Agency's Region 1, or New England 14 Regional Office. The Ocean and Coastal Protection 15 Unit administers the National Estuary Program 16 for the six member estuaries in New England, the 17 regional dredged material management and ocean 18 disposal programs, and other assorted marine water 19 quality programs.</p> <p>20 We also participate on the Northeast Regional 21 Ocean Council, the Gulf of Maine Council, and the 22 Board of the Northeastern Regional Association of 23 Coastal Ocean Observing Systems, as well as other 24 assorted regional committees and work groups. 25 Prior to taking this position almost eleven years</p>
<p>7</p> <p>1 ago, 2 I spent nine years as the Region 1 Program Manager 3 for the Long Island Sound Study and Connecticut's 4 non-point source program.</p> <p>5 So, I've spent a lot of time on and around 6 Long Island Sound and its watershed, and have a 7 real affinity for the region.</p> <p>8 Thank you very much for coming to this public 9 meeting. We really appreciate you coming to 10 provide input during the very early stages of our 11 process to develop a Supplemental Environmental 12 Impact Statement that will evaluate the potential 13 designation of one or more dredged material 14 disposal sites for Long Island Sound.</p> <p>15 As Niek said, the official public comment 16 period on the Notice of Intent, which is the 17 subject of today's meeting, ends on January 31st, 18 there's going to be numerous opportunities 19 throughout the process for public input, public 20 comment, and in practice we'll be taking your 21 public input throughout the process. I'm now 22 going to describe what EPA's role is with respect 23 to the designation of the dredged material 24 disposal sites. I'll then take a step back and 25 provide some background on the designation of the</p>	<p>8</p> <p>1 Central and Western Long Island Sound sites, which 2 was completed in July 2005.</p> <p>3 Then I'll turn it over to Mark Habel, the US 4 Army Corps of Engineers, New England District, to 5 talk about the Corps' role in dredged material 6 management as well as their effort to develop 7 the dredged material management plan for the Long 8 Island Sound Region.</p> <p>9 EPA and the Army Corp of Engineers jointly 10 regulate dredging and dredge material disposal 11 under Federal authorities provided by Section 404 12 of the Clean Water Act and Sections 102 and 103 of 13 the Marine Protection Research and Sanctuaries 14 Act, which is also known as the Ocean Dumping Act 15 or MPRSA, and herein are listed interchangeably.</p> <p>16 In administering these programs we work 17 closely with other Federal resource management 18 agencies, the National Marine Fisheries Service, 19 the US Fish and Wildlife Service, and State 20 environmental agencies to ensure proper 21 coordination and consistency with statutory 22 and regulatory requirements and environmental 23 standards.</p> <p>24 Since 1980 the EPA and the Corps have been 25 applying the sediment testing requirements of the</p>



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<p style="text-align: right;">9</p> <p>1 Ocean Dumping Act to all federal projects and private  2 projects generating 25,000 cubic yards or more of  3 dredged material. Dredged material that meets  4 these criteria and is determined to be suitable,  5 meaning clean enough for ocean disposal, may be  6 disposed of at one of the four sites in Long  7 Island Sound, known as the Western Long Island  8 Sound, Central Long Island Sound, Cornfield  9 Shoals, and New London disposal sites. The  10 Central and Western sites, as I've mentioned  11 earlier, were designated by EPA in 2005,  12 that took effect in July 2005, and the Cornfield  13 Shoals and New London sites were evaluated and  14 selected, and that's an important term selected  15 versus designated, as disposal sites pursuant  16 to programmatic and site specific environmental  17 impact statements that were prepared by the Army  18 Corps most recently in 1991.</p> <p>19 And you can, hopefully, you can see-this not  20 such a great map across the Sound. Most of you  21 are probably familiar with the location of those.  22 So, I'll move right along.</p> <p>23 In 1992 Congress added new provisions to  24 the Ocean Dumping Act that, for the first time,  25 established a time limit on the availability</p>	<p style="text-align: right;">10</p> <p>1 of Corps selected sites for disposal activity.  2 The provision allows the selected site to be used  3 for a five year period beginning with the first  4 disposal activity after the effective date of the  5 provision, which was October 31, 1992. It also  6 provides for an additional five year period  7 beginning with the first disposal activity that  8 commences after completion of the first five year  9 period. Use of the site can be extended, however,  10 if the site is designated by the EPA for long-term  11 use.</p> <p>12 Thus, the Corps can select disposal sites  13 only for short term limited use, whereas Congress  14 authorized EPA to undertake long term site  15 designations, subject to ongoing monitoring  16 requirements to ensure the sites remain  17 environmentally sound. To summarize, EPA's  18 responsibilities related to dredging and dredged  19 material disposal include: Designating disposal  20 sites for long term use. Promulgating regulations  21 and criteria for disposal site selection and  22 permitting discharges. Reviewing Corps dredging  23 projects and permits. Developing site monitoring  24 and management plans for designated sites.  25 Monitoring disposal sites jointly, at least in</p>
<p style="text-align: right;">11</p> <p>1 New England, with the Corps.</p> <p>2 Now I'm going to provide some background on  3 the designation of the Central and Western Long  4 Island Sound disposal sites, which was completed,  5 as I said earlier, in 2005. The process began in  6 1998, when EPA and the Corps agreed to conduct a  7 formal site designation process following the  8 criteria established in the Ocean Dumping Act.</p> <p>9 We also agreed that, consistent with past practice  10 in designating dredged material disposal sites, we  11 would follow EPA's Statement of Policy for  12 Voluntary Preparation of National Environmental  13 Policy Act (NEPA) documents, and would prepare an  14 Environmental Impact Statement to evaluate  15 different dredged material disposal options.</p> <p>16 In June 1999, EPA published a Notice of Intent  17 in the Federal Register announcing our plans to  18 prepare, in cooperation with the Corps and other  19 Federal and State agencies, an Environmental  20 Impact Statement to evaluate and potentially  21 designate dredged material disposal sites for  22 the entire Long Island Sound region. So what  23 we began back in 1999 was a Sound-wide effort.</p> <p>24 We began the Sound-wide field data collection  25 effort in 1999, but were slowed by both the</p>	<p style="text-align: right;">12</p> <p>1 technical complexities and financial constraints  2 associated with a large-scale, multiple site  3 project.</p> <p>4 In March 2002, with the Central Long Island  5 Sound disposal site scheduled to close in February  6 of 2004, when the second of two five year periods  7 of use of that Corps selected site expired, EPA  8 and the Corps announced their intent to develop  9 the EIS in two stages, Western and Central Long  10 Island Sound, followed by the Eastern Sound once a  11 site or sites had been designated to serve the  12 Western and Central regions. The idea is that  13 this approach would yield a schedule to meet the  14 important public need to consider disposal sites  15 in this region more expeditiously without  16 compromising the continued objectivity of the  17 decision making process for each region of the  18 Sound.</p> <p>19 In September 2003, EPA issued the draft EIS  20 recommending designation of the Central and  21 Western Long Island Sound sites, and held public  22 hearings in Connecticut and New York during late  23 September, and in response to public comments,  24 held additional hearings in December. I'm sure  25 some of you participated in this. EPA released the</p>

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<p style="text-align: right;">13</p> <p>1 final EIS and response to comments on the draft in  2 April 2004, with the recommended action, or  3 preferred alternative, designation of the Central  4 and Western sites. Because the EIS is not a  5 decision document, EPA also began the rulemaking  6 process to formally designate the two sites by  7 regulation.</p> <p>8 At this point, the State of New York's Coastal  9 Management Program, which you'll hear a little bit  10 more about later in the meeting, from Jennifer,  11 exercised its Federal consistency authority under  12 the Coastal Zone Management Act to object to the  13 site designations on the basis that this Federal  14 action was not consistent with the enforceable  15 policies of their program.</p> <p>16 In June 2005 the EPA published the final rule  17 designating the Central and Western disposal  18 sites. to address concerns raised by the State of  19 New York, and some sectors of the general public,  20 about the potential impact of dredged material  21 disposal on Long Island Sound water quality and  22 fisheries habitat. These site designations are  23 subject to restrictions on their use. These  24 restrictions were intended to reduce or eliminate  25 the disposal of dredged material in Long Island</p>	<p style="text-align: right;">14</p> <p>1 Sound and include: 1) The Corps completing a  2 Dredged Material Management Plan for the entire  3 Long Island Sound region with a goal of reducing  4 or eliminating open-water disposal of dredged  5 material by identifying alternatives to open-water  6 disposal.</p> <p>7 The initial target for completion is July  8 2013, and an additional year is built into the  9 rule by July 2014, if good faith efforts were  10 being made to complete it. 2) Establishing an  11 interagency Long Island Sound Regional Dredging  12 Team to review alternatives analyses for Federal  13 and large private dredging projects, subject to  14 the amendment that I mentioned earlier; and 3)  15 EPA publishing an annual report to the public  16 on progress toward completion of the DMMP and  17 disposition of dredged material from all projects  18 each year, including open water disposal and  19 beneficial use. We should have the report out  20 soon for the year that ended last July.</p> <p>21 Let's see. This is an example of the data  22 that is generated on the annual reports that we've  23 been doing since 2006 now. This is our seventh  24 report I believe. This is an example of the kind  25 of information contained in these reports. This</p>
<p style="text-align: right;">15</p> <p>1 is the data on the amount of dredged material that  2 was disposed of at each of the four LIS disposal  3 sites over the past six years. You can see  4 there's a lot of variability from year to year  5 but also from site to site. The green is the  6 Central Long Island Sound site, which is the most  7 heavily used site. It's central and the larger  8 ports and harbors are closest to it. So, that's  9 why you see those kinds of numbers.</p> <p>10 So, at this time I'm going to turn it over  11 to Mark Habel of the US Army Corps of Engineers,  12 New England District, to talk about the Long  13 Island Sound Dredged Material Management Plan  14 and the Corps' role in dredged material management  15 in general.</p> <p>16 MR. HABEL: Thank you, Mel, and thank you  17 Jean. My name is Mark Habel and I'm with the New  18 England District, with the Corps of Engineers in  19 their Planning Branch and Navigation Section. The  20 Long Island Sound Dredged Material Management  21 Plan. This is the Corps' process for determining  22 for any particular harbor or groups of harbors, if  23 there is a shortfall in available disposal  24 capacity and if so, what might be the best way  25 of meeting that shortfall through alternative</p>	<p style="text-align: right;">16</p> <p>1 disposal methods, treatment technologies or  2 beneficial use of dredged material.</p> <p>3 We began work on the DMMP in 2007. It took a  4 couple of years after the 2005 rule making to  5 actually get funds in place to begin work, and  6 we've been working on that ever since. Mainly, up  7 to this point identifying the range of available  8 disposal options for the various classes of  9 dredged material.</p> <p>10 Again, we're looking at mainly the Federal  11 Harbors in Long Island Sound. Congress, over the  12 years has authorized the Corps of Engineers, the  13 Federal Government, to construct and maintain a  14 number of harbors, and I think about sixty-five,  15 if you add up the ones in Connecticut and New  16 York. Our first responsibility is to find ways  17 to dispose of that material in an environmentally  18 acceptable and cost-effective manner.</p> <p>19 If other parties that dredge in the  20 Sound can make use of those studies and those  21 recommendations then certainly we try and  22 accommodate that, but it's not our goal to be  23 looking for solutions for all of the non-Federal  24 work.</p> <p>25 The process we go through, we did a</p>

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<p>17</p> <p>1 preliminary assessment that mainly got us the</p> <p>2 go-ahead from Washington to get funds to do the</p> <p>3 full DMMP. We came up with our project management</p> <p>4 plan. We've established a technical working</p> <p>5 group, and we've gone through the steps for a</p> <p>6 dredged material management plan, searching for</p> <p>7 alternatives, screening for those alternatives,</p> <p>8 and that's where we are now.</p> <p>9 We're beginning the process of going through</p> <p>10 screening that universe of alternatives. Here's a</p> <p>11 list of the things that we looked at. This was</p> <p>12 developed after looking over the experiences and</p> <p>13 other dredged material management plans around the</p> <p>14 country, and seeking input from the public and in</p> <p>15 particular from those parties that participate in</p> <p>16 the technical working group for the project. And</p> <p>17 this didn't come out very well, did it?</p> <p>18 [INDICATING TO OVERHEAD PROJECTOR]</p> <p>19 We looked at, back during the EIS, the</p> <p>20 dredging needs for the Sound as a whole. Where</p> <p>21 does the dredged material come from? You need to</p> <p>22 know where it comes from, on what time line and</p> <p>23 what volumes, and what types of material before</p> <p>24 you can start looking for places that it might be</p> <p>25 put.</p>	<p>18</p> <p>1 So, we canvassed not only the Corps projects</p> <p>2 but all the private permit applicants. We tried</p> <p>3 to contact as many marinas, power plants, and</p> <p>4 other parties that do dredging in the Sound to get</p> <p>5 an idea of what their projected volumes and types</p> <p>6 of dredged material over, I believe we looked at</p> <p>7 up to a twenty-eight year time line.</p> <p>8 Here is where all of that data went into.</p> <p>9 We divided the coast up, when we got all that</p> <p>10 data, into what we call dredging centers to make</p> <p>11 it a little easier to match those up eventually</p> <p>12 with the alternative disposal options. The dark</p> <p>13 blue is Corps of Engineers Federal Dredging</p> <p>14 projects, and as you can see from this,</p> <p>15 historically, currently and probably long into the</p> <p>16 future, the Corps' construction and maintenance of</p> <p>17 Congressionally authorized projects will be the</p> <p>18 largest contributor of dredged material volume in</p> <p>19 the Sound.</p> <p>20 What types of material are we dealing with?</p> <p>21 Right now we are going through all of the historic</p> <p>22 data for all of the Federal projects, and looking</p> <p>23 at where that material falls. It's generally in</p> <p>24 three classes; One, in the red is -- And these</p> <p>25 numbers are just guesses that we have at the</p>
<p>19</p> <p>1 moment, based on our experience. The red is</p> <p>2 unsuitable dredged material. This is material</p> <p>3 that does not pass EPA's and the Corps' testing</p> <p>4 regiment for open water disposal. So, this can</p> <p>5 never go into the Sound. The yellow bars are</p> <p>6 sandy material mainly in New York but in some</p> <p>7 of the entrance channels in Connecticut harbors</p> <p>8 as well, that is suitable for re-use for beach</p> <p>9 nourishment, either by direct placement on the</p> <p>10 beaches or by disposal in the nearshore bar</p> <p>11 systems that feed the beaches. Generally in the</p> <p>12 Sound, we're not concerned with the sand. It goes</p> <p>13 on the beaches wherever it can and wherever people</p> <p>14 are willing to help pay the cost of putting it</p> <p>15 there, if it's a longer haul. It's the stuff in</p> <p>16 the middle, the blue stuff, which is silty</p> <p>17 material, generally anything that's over fifteen</p> <p>18 or twenty percent fines, that's not suitable to</p> <p>19 go on the beaches. That has to go somewhere.</p> <p>20 Historically it's gone into the open water sites</p> <p>21 into the Sound, although it can be used for other</p> <p>22 purposes upland, if we can find users.</p> <p>23 We also looked at the economics here.</p> <p>24 If people are asking us to dredge: Does it make</p> <p>25 sense to dredge? Is it needed? Certainly our</p>	<p>20</p> <p>1 look at the marine trades industry, recreational</p> <p>2 boating, and the other drivers of harbor</p> <p>3 development maintenance dredging. This adds</p> <p>4 billions of dollars a year into the economy of</p> <p>5 Connecticut and New York.</p> <p>6 What the DMMP is not going to do, I mentioned</p> <p>7 we're primarily focused on needs of the Federal</p> <p>8 Harbors, we are going to recommend alternatives to</p> <p>9 be examined for the federal harbors when they come</p> <p>10 up for maintenance dredging, but we're not</p> <p>11 specifically looking at all of the non-Federal</p> <p>12 dredging. What they would do, and although</p> <p>13 certainly the investigations we're doing will help</p> <p>14 them with their alternatives analysis when they</p> <p>15 look to dredge and dispose.</p> <p>16 Getting into what we've found, we've</p> <p>17 identified a great many of not-in-water</p> <p>18 alternatives for use for disposal. Most of those</p> <p>19 are beneficial use. Most of those are beaches.</p> <p>20 There are some upland sites. There are still a</p> <p>21 couple of landfills on Long Island that could</p> <p>22 receive material. We also looked at things like</p> <p>23 marsh creation. We also looked for de-watering</p> <p>24 sites that could be used to prepare material for</p> <p>25 use by other parties upland. We were also looking</p>

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<p>21</p> <p>1 at the potential to build containment islands that 2 would satisfy longer-term needs for disposal, and 3 in the end, decades down the road, would become 4 wildlife habitat, similar to, if any of you are 5 familiar with the experience in Chesapeake Bay 6 with Hart Miller Island, Poplar Island, and the 7 new Mid-Bay Project, what they are doing to create 8 habitat. We are going to begin screening those 9 sites now.</p> <p>10 For those, and I think most of the parties in 11 here are involved in one way or another, with the 12 Technical Working Group we began over a year ago, 13 working with that group to identify methods and 14 procedures for evaluating and weighing values of 15 various habitats and various beneficial uses of 16 material. I think next week that group is going 17 to meet to go over the final report from that 18 effort, after which, the Corps will begin to go 19 through its own screening process under the DMMP 20 to try to match harbors and materials with 21 alternatives and sites. Just a little bit more 22 detail and breakdown of what the DMMP has 23 identified so far for types of sites. Those 24 reports are all available on the Corps' Long 25 Island Sound DMMP website for people to download.</p>	<p>22</p> <p>1 The next step as I mentioned we're in the 2 middle of the sediment characterization effort. 3 We're also working on the cost side of this. What 4 is the cost for all of these alternatives to get 5 this material dredged, transported, placed or 6 reused. We're also working with the working group 7 to come up with our screening analysis tools to 8 begin matching those and screening them down. 9 In the end we will publish, probably in about 10 eighteen months, our recommended plan for the 11 Federal projects.</p> <p>12 What is the Corps' role in the SEIS? We are 13 a cooperating agency. We've agreed with EPA to 14 cooperate in the SEIS. Within our available funds 15 we are going to help them with their public 16 outreach and letting people know what's up with 17 the Corps' own process. We're going to review 18 their data and reports when they need that done 19 and provide comment and input. We're going to 20 participate in data collection when we can. 21 As most of you know we have our own disposal 22 monitoring program, DAMOS, which every year 23 surveys sites and collects data all around 24 New England. That will continue to be made 25 available to EPA for their consideration in</p>
<p>23</p> <p>1 this EIS. In the end, of course, we will 2 formally comment on the EIS.</p> <p>3 Next up is Jean Brochi from Region 1, who 4 will run through the process for this EIS.</p> <p>5 MS. BROCHI: As Mark has said, Jean 6 Brochi from Region 1. I'm going to take you 7 through where we're headed with the SEIS. 8 The most recent activity, the fiscal year 2012 9 Appropriations Act, extended the use of Cornfield 10 Shoals and New London Disposal Sites. Originally 11 they were selected by Corps authority and due to 12 expire in October and November 2011. New London 13 Cornfield Shoals site use has been extended through 14 December 23, 2016.</p> <p>15 The purpose of the Appropriations Act was to 16 allow for completion of the SEIS to support final 17 designation of potential disposal sites in Long 18 Island Sound.</p> <p>19 One of the additional requirements in this 20 Appropriations Act was for EPA to report to 21 Congress outlining a plan to carry out the 22 Supplemental Environmental Impact Statement 23 for Eastern Long Island Sound, and to work 24 collaboratively with the Corps in the states to 25 find a dredging solution for Long Island Sound.</p>	<p>24</p> <p>1 This slide doesn't show very well, but it does 2 outline the Eastern Long Island Sound SEIS 3 process. As stated before, the very first step 4 is to go to the public with a Notice of Intent. 5 The Notice of Intent was published October 16th. 6 We then have scoping meetings. The comment period 7 for the Notice of Intent, again, has been extended 8 to January 31st.</p> <p>9 The next step is to identify sites, look at 10 data gaps, develop sampling plans and field work, 11 and then to hold additional public meetings as 12 well as cooperating agency meetings. Initially, 13 in July of 2012 the EPA submitted letters to the 14 cooperating agencies requesting their assistance 15 with this effort and we received responses.</p> <p>16 We issued the Notice of Intent as I stated, 17 and just to reiterate if anybody would like a copy 18 of the presentations or any other information it's 19 all posted on the EPA.gov web site. The address 20 is listed in the presentation, and we also have an 21 email notification at elis@epa.gov, which is 22 directly dedicated to this effort.</p> <p>23 If you'd like to be added to an email 24 distribution list, and you have not had a chance 25 to sign in outside, please contact us at that</p>

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<p>25</p> <p>1 address or contact me. The original scoping  2 meeting, as already stated was held in Connecticut  3 November 14th, postponed the second meeting which  4 would have been held in November, which we're  5 holding now, and the comment period has been  6 extended until January 31st. We will be having  7 additional scoping meetings in the Spring and  8 Fall.  9 I'm not sure if it's very clear, but this is  10 a general picture of the existing active disposal  11 sites, Cornfield and New London on the eastern  12 side, and this is the boundary of the ZSF, which  13 is Zone of Siting Feasibility for this effort.  14 Part of the process is to collect, again, to  15 review data gaps, and that includes using,  16 collecting additional data, but using the data  17 that exists.  18 Right now we have several different resources  19 for the data. Data was collected as part of the  20 original effort from 1999 to 2002. In addition  21 the EPA had its own research vessel and collected  22 some additional data as management of the disposal  23 sites from 2007 and 2009 to 2012. In addition to  24 that, through the Army Corps of Engineers' New  25 England DAMOS monitoring effort, we have ten</p>	<p>26</p> <p>1 surveys within the New London site since 1990 that  2 include bathymetry, physical oceanography, benthic  3 biology and chemistry. We also have three surveys  4 from Cornfield Shoal sites since 1990, which  5 include sediment transport and bathymetry and we  6 also have four surveys that were conducted in 2000  7 for the Rhode Island disposal site. All of this  8 data is available and we will use it as well as  9 some of the reports from the DMMP.  10 One of the very first reports that we used  11 from the Long Island Sound DMMP list was the  12 dredging needs report, and that was completed in  13 October  14 of 2009, which stated that approximately 13.5  15 million cubic yards will be dredged from the  16 Eastern Long Island Sound harbors and channels  17 over the next twenty-six years. And when the  18 Corps of Engineers calculates those dredging  19 needs, they use a horizon, in this case it went  20 out to 2028.  21 We also use the upland beneficial use and  22 sediment transport de-watering report.  23 We'll continue to use that. That was produced in  24 2009, and collected data from 2009 to 2010. That  25 report, there were very few alternatives. Mark</p>
<p>27</p> <p>1 had a slide that had the actual results. Open  2 water, very few alternatives to open water  3 disposal in Connecticut and most of those were  4 beach nourishment.  5 There are several other studies that we're  6 using for this effort, which include a literature  7 search, and that was a report that was produced  8 for the DMMP, looked at research since 2005  9 and collected some of the current proposals and  10 projects that have been out there. Dredging  11 needs, economic and disposal alternatives, will  12 be some of the other reports as well as the  13 transportation matrix, which should be out soon.  14 Alternatives investigated for one of  15 the reports included landfills, beaches,  16 redevelopment and habitat restoration and  17 de-watering sites.  18 Mark had mentioned some of the dredging  19 centers. We also have a poster-sized chart  20 of the Long Island Sound, dredging center needs  21 and dredging needs if you have a chance to get  22 a closer look. One of the other things, the  23 alternatives report, was just a look at upland  24 and beach nourishment sites and this is just a  25 figure of that from the DMMP.</p>	<p>28</p> <p>1 For the Long Island Sound Eastern budget,  2 we estimate a total cost of 3.3 million. The  3 Connecticut State Bond Commission has already  4 approved 1.8 million in October 2011 to fund some  5 studies for the Eastern Long Island Sound effort,  6 which include the physical oceanographic study,  7 which is the very first study to be conducted  8 under this effort.  9 Next steps. As I mentioned we'll have some  10 additional public meetings. We'll have some  11 cooperating agency meetings. We'll be using  12 some additional reports produced from the DMMP.  13 We expect to have a Draft Supplemental  14 Environmental Impact Statement by December 2014,  15 and a final  16 by December 2015, and if the Supplemental  17 Environmental Impact Statement recommends  18 designation of one or more sites, the EPA will  19 publish a final rule making by December 2016.  20 Throughout all of these milestones we will  21 be requesting public comment, and holding  22 additional meetings. I'm going to introduce  23 George Wisker from Connecticut DEEP.  24 MR. WISKER: Thank you Jean. My name is  25 George Wisker, I'm a Senior Environmental Analyst</p>

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<p>29</p> <p>1 with the Connecticut Department of Energy and 2 Environmental Protection, formally known as the 3 DEP, but now it's known as the DEEP. I have been 4 there for twenty-seven years, involved with dredge 5 material management for twenty-five of those. 6 What I'm going to do is speak to -- It's too 7 short. [INDICATING MICROPHONE ADJUSTMENT] 8 Anyway, what I'm going to talk about is, first of 9 all, what Connecticut's role in dredged management 10 is within the state, our regulatory role, and then 11 I'll go into a little bit of what our role will be 12 in the process. 13 First of all, Connecticut, we regulate 14 dredging and the management of dredged sediments 15 pursuant to our Connecticut's Structures and 16 Dredging Act. It's an Act that went into effect 17 about 1939, and has been amended several times 18 over the years, in accordance with the Connecticut 19 water quality standards. These are standards 20 that are required by EPA for the States to adopt, 21 which deal with trying to preserve water quality, 22 enhance water quality and maintain uses. 23 We're also, as is different from some of the 24 other surrounding States that have the Coastal 25 Management Programs separated into separate</p>	<p>30</p> <p>1 Coastal Management Program Office as separated 2 from their environmental agency. Both of those 3 functions are combined in one office, and that's 4 the Office of Long Island Sound Programs, which is 5 part of the DEEP and I'm in the technical services 6 section of that. 7 So, we have to deal not only with the 8 permitting of dredging projects, but we deal 9 with reviewing those projects through 10 Connecticut's approved Coastal Management Act. 11 So, what happens is all Federal and non-Federal 12 projects are reviewed for the consistency with 13 our program to ensure the coastal resources are 14 adequately protected while preserving and 15 encouraging water-dependant uses. So, it really 16 is a balancing act. That's one of the key elements 17 of the program. In addition, the Clean Water Act, 18 Section 401 of the Clean Water Act, requires the 19 State to certify that discharges or dredge 20 material or any material that would happen to be 21 placed in the water, will not result in permanent 22 impairment of water quality. So, as part of the 23 permit that's issued, not only do we do the 24 Coastal Zone Management Consistency Determination, 25 but we have to issue that Water Quality</p>
<p>31</p> <p>1 Certificate. That's all rolled into the one 2 document. 3 The Department's role in the SEIS, it's a 4 fairly simple explanation but it involves a lot 5 of work. So, what we will do is go through our 6 files as we've already been doing since this 7 began. We're also one of the cooperating agencies 8 with EPA, so we're providing support to EPA and 9 the contractors as requested. We're 10 going through, finding the information we have. 11 If they're looking for specific resource 12 information, we try to bring that material up, 13 gather as much as we can to help move the process 14 along. 15 Then finally, the key issue that we really 16 will be involved in significantly is we're 17 reviewing every interim work product that's 18 developed by the contractors, by EPA, and 19 reviewing them for comments, for suggestions, 20 for problems, and then ultimately any Federal 21 action resulting from this, if after reviewing 22 the drafts and the finals, they come out with a 23 rule making, we then would have to do consistency 24 on the designation process if a site is picked. 25 That, really in a nutshell is our role in that</p>	<p>32</p> <p>1 process. Thank you. Who is next? Jennifer 2 Street. 3 MS. STREET: My name is Jennifer Street. 4 I am with the New York State Department of State, 5 which is the administrator of the Coastal 6 Management Program for the State of New York. 7 Our program is basically to implement Coastal 8 Zoning Management for New York State. Our primary 9 program goals are to balance the protection and 10 natural and cultural resources and economic 11 development within the coastal zone, and to 12 also coordinate decision-making at all levels 13 of government throughout the State. 14 Our role in Long Island Sound activities. 15 Long Island Sound, as a shared estuary is subject 16 to regulatory review by both New York and 17 Connecticut. The Long Island Sound Coastal 18 Management Program is a regional program that was 19 approved by NOAA in 2001 as a regional refinement 20 of the New York State Coastal Management Program. 21 That contains the thirteen enforceable policies of 22 the New York State Coastal Management Program for 23 all activities within the Long Island Sound 24 Region. Then in 2006 through a routine program 25 change, NOAA approved Interstate consistency for</p>

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<p style="text-align: right;">33</p> <p>1 consistency review and Long Island Sound in which</p> <p>2 New York State is able to look at projects on the</p> <p>3 Connecticut side of the Sound for consistency with</p> <p>4 the New York State CMP, and its potential effects</p> <p>5 on the coastal area of New York State.</p> <p>6 Similarly, Connecticut had a coastal</p> <p>7 interstate consistency change the same year, which</p> <p>8 allows them to do the same thing on our side.</p> <p>9 Federal consistency is a large part of what we do</p> <p>10 in my department. The CZMA and Federal</p> <p>11 regulations at 15 CFR930, they establish a</p> <p>12 framework for review of all proposed Federal</p> <p>13 activities and permitting activities that are</p> <p>14 within or would affect the State's designated</p> <p>15 Federally approved coastal area.</p> <p>16 Based upon an analysis of the effects of</p> <p>17 the proposed activity, enforceable policies of the</p> <p>18 CMP, and in Long Island Sound it would have to be</p> <p>19 Long Island Sound's CMP, the department would</p> <p>20 either concur with or object to the proposed</p> <p>21 activity.</p> <p>22 Our involvement in this SEIS process is,</p> <p>23 again, to participate as a cooperating agency,</p> <p>24 as part of the process, we will provide written</p> <p>25 scoping comments. We will provide any available</p>	<p style="text-align: right;">34</p> <p>1 data and information that we may have access to.</p> <p>2 Whatever resources we have, we will share. We</p> <p>3 will review work products and provide comments as</p> <p>4 needed, and then as George just mentioned with</p> <p>5 their program, if there is any potential for a</p> <p>6 designation, we will review that Federal action</p> <p>7 for consistency with the CMP. That's just a</p> <p>8 little contact information if you want to get in</p> <p>9 touch with anybody in our office regarding this.</p> <p>10 MR. VERAART: Thank you. Before we</p> <p>11 move on to the comment portion of the meeting,</p> <p>12 also on behalf of EPA, we'd like to thank you</p> <p>13 for coming here today and we also have here the</p> <p>14 representatives of EPA Region 2, Doug Pabst and</p> <p>15 Pat Pechko.</p> <p>16 With regard to the comments, there is a</p> <p>17 sign-in sheet. I think it will be made available</p> <p>18 shortly but if you would like to sign in, into</p> <p>19 the sign-in sheet, then we know who is going to</p> <p>20 be making comments and we can do that in the order</p> <p>21 in which they have been received.</p> <p>22 Right now we don't have anybody who signed in</p> <p>23 yet. So, would you kindly sign in.</p> <p>24 RECEPTION: We do have people signed in.</p> <p>25 MR. VERAART: Okay. I'm sorry. We'll</p>
<p style="text-align: right;">35</p> <p>1 just start with the first people on the list. I'm</p> <p>2 sorry, sir?</p> <p>3 AUDIENCE MEMBER: Quick question.</p> <p>4 MR. VERAART Yes.</p> <p>5 AUDIENCE MEMBER: You've mentioned a</p> <p>6 number of times in public, the written comments</p> <p>7 will be accepted until the end of the month. Do</p> <p>8 we address those to Jean in her office?</p> <p>9 MR. VERAART: I think so, yes.</p> <p>10 MR. COTE: That information is in the</p> <p>11 Notice of Intent.</p> <p>12 AUDIENCE MEMBER: Her address is in</p> <p>13 there but it doesn't refer you to that specific</p> <p>14 address. Thank you, Mel.</p> <p>15 MR. VERAART: I'm going to walk around</p> <p>16 with the sign-in sheet. The first person who</p> <p>17 signed in was Maureen Dolan Murphy with the</p> <p>18 Citizen's Campaign for the Environment and she</p> <p>19 also said that she will be providing written</p> <p>20 comments.</p> <p>21 MS. DOLAN-MURPHY: Thanks. For the</p> <p>22 record, I'm with Citizens Campaign for the</p> <p>23 Environment. Citizens Campaign for the</p> <p>24 Environment is an 80,000 member, not for profit,</p> <p>25 non-partisan advocacy organization working for the</p>	<p style="text-align: right;">36</p> <p>1 protection of public health and natural</p> <p>2 environment. We've been working to protect water</p> <p>3 quality across New York and Connecticut since our</p> <p>4 inception in 1985. We're an active member of the</p> <p>5 Long Island Sound Citizens Advisory Committee, and</p> <p>6 participated in the Long Island dredge work by the</p> <p>7 EPA and Army Corps. In 2004 we opposed EPA's plan</p> <p>8 to designate two sites in the western portion of</p> <p>9 the Sound as designated dump sites for twenty</p> <p>10 years.</p> <p>11 We were joined by thousands of residents and</p> <p>12 elected officials through every local government</p> <p>13 in New York and Connecticut. It did not make</p> <p>14 logical sense that after millions of dollars spent</p> <p>15 on restoring the Sound it was designated as a</p> <p>16 long-term dumping ground. Now, in 2013, nine</p> <p>17 years later, the EPA began looking to designate</p> <p>18 two sites in the Sound as dumping grounds for</p> <p>19 dredged material. What has changed? The answer,</p> <p>20 nothing. It was unacceptable in 2004, and it is</p> <p>21 still unacceptable in 2013. CC agrees that the</p> <p>22 dredging for the safety of navigation is a</p> <p>23 necessary activity. However, open water disposal</p> <p>24 of dredged material is not.</p> <p>25 In 2005, EPA along with the Army Corps of</p>

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<p style="text-align: right;">37</p> <p>1 New York, and Connecticut agreed to phase out open  2 water dumping and move towards beneficial reuse  3 of dredged material. As part of the landmark  4 bi-state agreement, multi-agency agreement, a  5 dredged material management plan was to be  6 developed. EPA's final notice states that  7 the DMMP for Long Island Sound go through the  8 identification of alternatives to open water  9 disposal and development of procedures and  10 standards for the use of practical alternatives  11 to open water disposal so as to reduce, whenever  12 practical, the open water disposal of dredged  13 material.</p> <p>14 To date the DMMP has not been developed,  15 as you heard in the presentation. CC believes  16 it's risky and ill-advised to proceed with the  17 long-term designation of open water disposal  18 before the final development of the DMMP,  19 particularly since the goal and intent of the DMMP  20 was to reduce open water disposal, not to relocate  21 open water disposal.</p> <p>22 The final notice continues to state, the  23 final rule contemplates that the US Army Corps  24 will develop, through the DMMP process, procedures  25 and standards to reduce or eliminate disposal of</p>	<p style="text-align: right;">38</p> <p>1 dredged material in Long Island Sound to the  2 greatest extent practicable. Reducing the  3 disposal of open water dumping should eliminate  4 the need for designating long-term dump sites.</p> <p>5 The ruling goes on to state the disposal of  6 dredged material can not occur in the western  7 sites beginning eight years after the ruling date,  8 unless a DMMP has been developed. Here we are,  9 eight years later with no DMMP. Instead we have  10 a plan to open two eastern sites for dredge  11 dumping. This is not the intent of the agreement  12 or the agreement of the settlement between New  13 York and Connecticut. It was also not the intent  14 of the EPA ruling. Open water dumping is not  15 the solution for proper management of dredged  16 materials. Eight years ago we called for and were  17 promised a plan that evaluated beneficial re-use  18 of dredged materials. This plan put forth a goal  19 considering dredged materials to be a resource and  20 not a waste product. Now, eight years later, the  21 only plan is the EPA is putting forth is to dump  22 more dredged material into Long Island Sound. New  23 location, same story.</p> <p>24 We're greatly concerned that the EPA is moving  25 forward with this process before they have begun</p>
<p style="text-align: right;">39</p> <p>1 their obligation to complete a DMMP for Long  2 Island Sound. They encouraged the EPA to focus  3 on the DMMP and to halt their efforts to designate  4 a long-term dump site through Long Island Sound.</p> <p>5 However, should they move forward in the  6 process, we will be submitting items that should  7 be addressed in the SEIS.</p> <p>8 MR. VERAART: Thank you, Ms. Murphy. The  9 next person is John Johnson.</p> <p>10 MR. JOHNSON: I'm going to wait for a  11 little bit until the end.</p> <p>12 MR. VERAART: Okay. Sure. The next  13 person is Mr. Natchez. Did I pronounce your name  14 correctly? From DSNA? Is that you, sir? Okay.  15 If you could, I think it says here that you have  16 no written comments, but if you would like to add  17 comments later, that's possible to be part of the  18 record.</p> <p>19 MR. NATCHEZ: For the record, my name  20 is Dan Natchez. I am president to Dan Natchez and  21 Associates. It's an environmental waterfront  22 design consulting company, that has been dealing  23 with this issue for longer than anybody could think.  24 I want to thank all of the agencies for their  25 Herculean efforts on this project. I'm sorry,</p>	<p style="text-align: right;">40</p> <p>1 I don't know the name of the young lady who just  2 spoke. I do agree with one major aspect of  3 what she said that the DMMP map, the material has  4 not been forthcoming. I think that is a  5 disastrous mistake. It should have been done.  6 There's absolutely no reason and seems to be a  7 bureaucratic funding and governmental mish mosh.</p> <p>8 It should have been done and needs to be done.  9 I disagree vehemently with the premise that was  10 stated by the previous speaker. The overall  11 premise of the word 'dumping' is fundamentally  12 flawed. Excuse me, I never have been accused of  13 not being able to be heard. I know that the law  14 uses the word dumping and but it's not dumping,  15 it's relocation. If you don't dredge whatever the  16 material is that anybody is concerned about sits  17 there. You swim in it, do recreation in it.  18 Everytime we have a storm it gets disturbed it  19 goes all over the place. I would suggest that the  20 Corps' determination of the dredging needs is  21 flawed, significantly understated, particularly  22 for the non-Federal needs. The questionnaire that  23 was sent out, and I made written comments about  24 this, has been glossed over. The way it was set  25 up did not list what was needed but only what</p>



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<p style="text-align: right;">41</p> <p>1 could be afforded at the then rates, which are</p> <p>2 roughly fifty percent of what they are today.</p> <p>3 Unless you have economically feasible</p> <p>4 relocation, you will not have access to the water.</p> <p>5 Very simple. A good example is Sandy, which in</p> <p>6 the western end of the Sound created sandbars</p> <p>7 from two feet to eight feet and previously had a</p> <p>8 siltation rate of maybe six inches every ten</p> <p>9 years. You have to go down there and take a look.</p> <p>10 These are things that are going to really have a</p> <p>11 significant adverse effect to the quality of life.</p> <p>12 So, the real issue before all of the agencies is</p> <p>13 if you want access to the water, and want</p> <p>14 recreational and commercial activities or you</p> <p>15 don't. It's a very simple thing. If the answer</p> <p>16 is yes, then you do something about it. If the</p> <p>17 answer is no, then you ignore it. If the answer</p> <p>18 is yes, you need to do something about it, then</p> <p>19 you have to come up with a fundamental approach</p> <p>20 that is economically affordable.</p> <p>21 At this same time that we have gone through</p> <p>22 these studies on what to do, the agencies at the</p> <p>23 same time being very concerned, and because</p> <p>24 science gets advanced, has raised the hurdle rates</p> <p>25 dramatically under the same regulations. So, the</p>	<p style="text-align: right;">42</p> <p>1 cost of dredging over the last twenty years has</p> <p>2 gone up over 150% -- Excuse me, dredging</p> <p>3 relocation, not dumping. Because if you don't</p> <p>4 relocate it, it stays exactly where it is.</p> <p>5 That's the fundamental issue. For an average</p> <p>6 marina, and there is no such thing as an average</p> <p>7 marina, the cost to dredge today, to restore the</p> <p>8 depths to the depths that they were fifteen or</p> <p>9 twenty years ago, is almost, with today's rates on</p> <p>10 the western end of Long Island Sound, would cost,</p> <p>11 and cash on cash with no amortization, no</p> <p>12 borrowing rates, twenty years to pay back. It's</p> <p>13 not economically affordable in that regard.</p> <p>14 So, you would have lost over 15% of the</p> <p>15 usable slips in the Long Island Sound, not just</p> <p>16 the western end of the sound. It's much deeper in</p> <p>17 the western end of the Sound over the same period</p> <p>18 of time, actually over a less a period of time,</p> <p>19 because we stopped doing this study five years</p> <p>20 ago.</p> <p>21 This becomes a very significant aspect to</p> <p>22 where you wish to go for the future. When I hear</p> <p>23 the Corps say, even when I know the regulations</p> <p>24 suggest, that our primary concern for what we do</p> <p>25 with the Corps project and private entities, you</p>
<p style="text-align: right;">43</p> <p>1 know, piggy back on the findings, but that's not</p> <p>2 our concern, is a bunch of hogwash. Excuse me,</p> <p>3 that's a very technical term. The Corps, EPA, all</p> <p>4 the states all have regulatory control over any</p> <p>5 application to do anything in the water, not just</p> <p>6 dredging, structures that are floating. We have</p> <p>7 regulations up the wazoo. So, to say this is not</p> <p>8 a primary concern, I find ludicrous, because most</p> <p>9 of the effort for regulatory reviews are</p> <p>10 non-governmental agencies. It's non-governmental</p> <p>11 activities because the number of governmental</p> <p>12 activities is much less. The number of</p> <p>13 non-governmental activities is much higher.</p> <p>14 It's always the tail is getting wagged and the</p> <p>15 dog doesn't wag. So, the entire prospective is</p> <p>16 why the slide showed 22% of the dredging needs to</p> <p>17 be for -- This is for Mark's slide, 22% of the</p> <p>18 dredging needs to be for non-governmental</p> <p>19 activities, but what it didn't show was the number</p> <p>20 of projects. It didn't show the number of people</p> <p>21 affected. It doesn't show the economic returns or</p> <p>22 the economic influence.</p> <p>23 These are all significantly understated. I'm</p> <p>24 tired of writing. I've been writing now for years</p> <p>25 and filing on behalf of numerous organizations.</p>	<p style="text-align: right;">44</p> <p>1 The file for the record is a very nice answer.</p> <p>2 The bottom line is we put away the money to use</p> <p>3 for the Federal Government and don't know where</p> <p>4 the money is. That's where the regulations are</p> <p>5 except that it affects everybody. So, which</p> <p>6 brings me to why I actually came here. I</p> <p>7 understand. I'm following the rules as you</p> <p>8 published. I came here to support the proof of</p> <p>9 designation and continuation of relocation sites</p> <p>10 in the Long Island Sound, which would be the</p> <p>11 eastern end of the Sound. What's happening in the</p> <p>12 western end of the Sound is going to move very</p> <p>13 quickly and it has been moving to the eastern end</p> <p>14 of the Sound and the western end of the Sound is</p> <p>15 in major trouble. Access is being reduced.</p> <p>16 You're worth more dead than alive. Even with the</p> <p>17 both State's Coastal Management Programs that say</p> <p>18 you can't, excuse me, that you're not supposed to</p> <p>19 take marine water dependent users and turn them</p> <p>20 into non-water dependent, which is residential and</p> <p>21 other activities. The fact is that it's being</p> <p>22 done, and it's going to continue to be done</p> <p>23 because you can no longer afford to economically</p> <p>24 undertake these activities. One of the biggest</p> <p>25 reasons is the Long Island Sound region is</p>

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<p>45</p> <p>1 relocation of dredge material and keeping 2 navigation. So, thank you very much. 3 MR. VERAART: Mr. Natchez, thank you. 4 Mr. Johnson, did you want to speak or did you want 5 to wait? 6 MR. JOHNSON: No. 7 MR. VERAART: Okay. The next person on 8 the list is Robert Evans. If you can please say 9 who you are affiliated with and if you would keep 10 it to about five minutes. 11 MR. EVANS: I'm Robert Evans. I'm with 12 Fisher's Island Conservancy and I'm a year round 13 resident there. I'm joined here by Andrew Arons, 14 a fellow Board Member of the Conservancy who also 15 has a residence at Fisher's Island. We're 16 submitting these comments on behalf of the 17 Conservancy. Fisher's Island Conservancy is a 18 non-profit organization formed over twenty-five 19 years ago. We work with island residents, 20 businesses, non-profit organizations, and the 21 government for the purpose of preserving, 22 enriching and enhancing natural resources on 23 Fisher's Island and surrounding waters. 24 Fisher's Island is the nearest populated area 25 nearest the New London Disposal Site. The site is</p>	<p>46</p> <p>1 in fact only hundreds of yards away from us. The 2 Fisher's Island Conservancy strongly believes that 3 use at the New London Disposal Site and also 4 Cornfield Shoals should be closed as scheduled in 5 December 2016. The Conservancy urges the EPA to 6 review potential disposal site areas outside of 7 Long Island Sound and Block Island Sound for 8 future disposal. 9 We've been concerned for many years about the 10 damaged caused by large scale disposal at the New 11 London site. The Conservancy was party to the 12 1995 lawsuit that resulted in the 2002 settlement 13 providing for the EPA's formal designation process 14 for dredged material disposal sites. Tables 15 showing annual average dumping at the New London 16 dump site over the years, can be misleading and 17 certainly do not indicate that there is no 18 problem. 19 The fact is that except for the years 1995, 20 1996 and 2007 there has been very little dumping 21 at that site in the last twenty years. The last 22 large scale dumping was seven years ago, 23 approximately 400,000 cubic yards, resulted in 24 significant problems. The lobster population was 25 greatly harmed at that time. Very few people</p>
<p>47</p> <p>1 believe that the damage was coincidental. The 2 Sound sitings developed in phase one at the 3 Long Island Sound site designation proceeding 4 demonstrated conclusively that the New London 5 disposal site was inappropriate and unacceptable 6 based on almost all relevant criteria, including 7 the presence of strong currents, shallow depth, a 8 location in the midst of the New London Port 9 navigation channels with dredge spoils being 10 stirred up by propellers and sensitive lobster, 11 shellfish and other fishes. We are also concerned 12 by other reports that submarines traveling to and 13 from Groton, Connecticut on occasion have 14 inadvertently hit the cap on the disposal site. 15 We believe the danger of further problems of this 16 sort would only intensify the substantial dumping 17 allowed to take place there. 18 Our concern can be illustrated to a lay 19 person simply. The New London dump site is 20 extremely near the race, which anyone familiar 21 with those waters knows is an area of extremely 22 strong currents. Dumping spoil in those waters 23 is akin to throwing dirt into the fan. 24 It also bears note that as the Conservancy 25 advised the EPA and Army Corps of Engineers at</p>	<p>48</p> <p>1 the end of our litigation, we do not believe 2 that the New London Disposal Site has ever been 3 properly designated or selected as a disposal site 4 for Federal projects or private projects over 5 25,000 cubic yards, under the Ocean Dumping Act. 6 The New London Site can now legally be used 7 only for private projects of 25,000 cubic yards 8 or less, and thankfully has not been used to any 9 significant degree since the problems in 2007. 10 The Ocean Dumping Act mandates a preference for 11 disposal sites off the Continental Shelf. We 12 appreciate that there will be a need for 13 disposal of large amounts of dredged material in 14 the future, but we implore the EPA to investigate 15 sites much further afield from this extremely 16 populous area, and to allow the New London 17 Cornfield Shoals sites to close as previously 18 scheduled. Thank you. 19 MR. VERAART: Thank you, Mr. Evans. 20 The next person on the list is Mr. Al Krupski. 21 I'm sorry if I mispronounced your name. Can you 22 indicate your affiliation? 23 MR. KRUPSKI: Thank you. It's Al 24 Krupski, Deputy Supervisor of Southold Town. I'd 25 like to thank the EPA and the Corps for coming out</p>

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<p style="text-align: right;">49</p> <p>1 here today, and thank the DEEP from Connecticut,  2 and certainly thank the New York State Department  3 of State for sending people. We have faith in  4 them. They've done a lot of good work and  5 appreciate their work in Southold Town.  6 I just have a few comments. I'd like to say  7 to the young lady who spoke first. I thought her  8 comments were very well thought-out and had a lot  9 of merit, especially the part in the presentation,  10 that it's a Federally designated estuary and  11 propose to use it as a dump site for toxic spoil.  12 That just doesn't make any sense.  13 Also, a comment to Mark Habel from the Corps  14 of Engineers. I think one of your slides, I think  15 it showed a lot of different -- It showed the  16 North Fork of Long Island with a lot of red dots.  17 Is that one of your slides?  18 MR. HABEL: Yes.  19 MR. KRUPSKI: The designation was  20 dredging sites for New York, the Long Island  21 Sound. Those are actually in Peconic Bay, and all  22 the dredged spoil for Peconic Bay is used for  23 beach nourishment. It's clean sand. So, it  24 probably even shouldn't be on there. What was  25 conspicuously missing the residents of the East</p>	<p style="text-align: right;">50</p> <p>1 End was Mattituck Inlet, which is a Federally  2 designated anchorage, and yet we can't seem to get  3 funding to do basic maintenance dredging on that.  4 Talk about a hazardous navigation situation that  5 exists there. That beach spoil, that dredge spoil  6 is clean sand and could be used for beach  7 nourishment. It wouldn't even need a designated  8 open water dump site for that. I'd like to see  9 that included on the map, with those corrections  10 because we would like to bring attention to the  11 Mattituck Inlet, and see the Federal Government  12 maintain its responsibility to dredge that.  13 I'm here with Mark Terry, Southold Town  14 Planning Department, and Mark, on behalf of the  15 Town Board, will be submitting other comments.  16 Thank you all for coming and listening to our  17 comments and I take this will be an ongoing  18 process.  19 MR. VERAART: Thank you. Are there any  20 other people who have signed in? We have one  21 other person who signed in. So, the next person  22 will be Bill Spicer. You're Bill Spicer?  23 MR. SPICER: Does the mic still work?  24 MR. VERAART: Pardon me? The mic does  25 still work but you only have five minutes. We</p>
<p style="text-align: right;">51</p> <p>1 give everybody about five minutes. If you have  2 written comment, you can certainly --  3 MR. SPICER: I have written ones but I'll  4 do the best I can, especially when there are a few  5 stretches of the truth.  6 MR. VERAART: Okay. You can also use  7 this microphone sir.  8 MR. SPICER: I'd rather use that one if I  9 can.  10 MR. VERAART: Sure.  11 MR. SPICER: This one work? I have a  12 habit talking with my hands. It helps. It's long  13 standing. William C. Spicer III, usually known as  14 Bill Spicer, life long member of the Connecticut  15 working waterfront. Owner of Spicer's Noank  16 Marina in Noank, Connecticut. I have been at  17 numerous of these get-togethers with the DMMP and  18 I hope that I provide a little bit of levity in  19 this but you've only given me five minutes so I'll  20 dispense with that.  21 Sometimes a little fun makes things that are  22 hard go easier. This is going to be from another  23 prospective. My great grandmother on my father's  24 side, was a Tutel from Suffolk County. So, if I  25 say anything good those from Suffolk County like,</p>	<p style="text-align: right;">52</p> <p>1 credit my great grandmother. If I say anything  2 that you don't like, credit those terrible people  3 in Connecticut that have somehow corrupted this  4 boy. In any case, the basic problems between New  5 York and Connecticut is that it is easily seen  6 when you drive from Orient Point over the air, is  7 sand and gravel here on Long Island. If you  8 dredge something out, you can lay it down on the  9 land, put a small bulldozer on it, you either have  10 a lot or a load. In Connecticut we have rocks and  11 mud. Nobody wants that put next to them. That's  12 the basic problem.  13 In the Eastern Sound, which is what we're  14 talking about, the Supplemental Environmental  15 Impact Statement. In Noank, we have 2.3 feet of  16 tidal range. In New London it's 2.5. That means  17 that a dredge barge, and most of the small ones,  18 of about four feet in depth, and you're looking at  19 seven foot area. There's three feet under the  20 barge, the tide goes up two more feet, you can  21 only load the barge down a total of five feet, or  22 5.3 feet on average. That's not very much. It  23 means, with a shallow tidal range, we have to use  24 relatively light gear, yet when we have to use the  25 light gear, and small gear to get around the docks</p>

USEPA PUBLIC MEETING

<p>53</p> <p>1 of the smaller projects, you're asked to do it in  2 the winter, you're asked to go heavily loaded,  3 you're asked to avoid the race, and it just  4 doesn't work easily. If Long Island wasn't  5 sand and gravel, they wouldn't be so cavalier  6 as to try to do what they've been doing.  7 Connecticut has billions of dollars at stake  8 on the waterfront, billions of dollars, three  9 major harbors. New England Groton is the best  10 deep water harbor, natural, on the East Coast.  11 You have New Haven, 80% of Connecticut's oil comes  12 in through New Haven. You have some in Bridgeport  13 and you have some smaller ports. Then you get  14 down to the marinas and that, and the smaller  15 yacht clubs and the rest of it, oil drums. The  16 biggest one of importance is the United States  17 Navel Submarine Base. If we still had  18 difficulties with Russia, over here would be  19 begging to see those atomic subs going up, and we  20 want to continue to have them go up. It's a very  21 important addition to the State of Connecticut.  22 We need jobs. New York needs jobs, but I really  23 don't think that you need to beat on Connecticut  24 to take the jobs away. We don't need to kill our  25 seamen in the winter running two small dredges</p>	<p>54</p> <p>1 because we have to have a very light set of stuff.  2 If you have heavy stuff being dredged in New Haven  3 Harbor, New London Harbor, that can get there.  4 It's probably Great Lakes, All American or one of  5 those that are doing the job. They probably draw  6 four to eight feet when they start and they're  7 loaded down with 4,000 or 8,000 yards per barge.  8 Shifting a little bit. Where should you put  9 dump sites? You don't want to mix the deep draft  10 traffic, which runs along the edge of Long Island  11 and mostly with tankers. You have some container  12 ships, you have some lumber ships. You have a  13 variety of this and that. Leave the dredge barge  14 operators over on the Connecticut side.  15 Connecticut is going to use most of the  16 capacity. We need to dredge more. We'll take  17 care of our own sites. Give us two. If New York  18 wants one and have it 100% in Connecticut. If New  19 York wants any to do their smaller amount, God  20 bless them. Give them one or two, 100% in New  21 York and let them administer them, and tell  22 Connecticut that they don't dump in New York site.  23 We have no problem with that, at least I don't.  24 What is Long Island Sound? Long Island Sound,  25 essentially starts at the Twin Canyons that were</p>
<p>55</p> <p>1 up on something that was called a slide ELIS SEIS  2 Process, where you showed two canyons joining  3 together. They're coming in through the race on  4 either side of Valiant Rock. They go into New  5 York Bartlett Reef and curve west. Those are  6 like the Grand Canyon or some other major river  7 where there's a canyon. Long Island Sound comes  8 up to the canyon, maybe to the east side of the  9 canyon, I don't know. That's for somebody besides  10 me to decide. I can offer opinion. But Fisher's  11 Island Sound is all east of the canyon, and it's  12 on a shallow plateau. It isn't part of Long  13 Island Sound in my opinion. New London Harbor,  14 not part of Long Island Sound. Block Island  15 Sound, not part of Long Island Sound. Gardiner's  16 Bay, not part of Long Island Sound. Fisher's  17 Island Sound, as I've said before, is certainly  18 not part of Long Island Sound.  19 So, what you have, you have the New London  20 Dredge Disposal Site up on the plateau, in  21 Fisher's Island Sound, and it is a Clean Water 404  22 Act approved dump site. I'll reserve the right  23 at any time to reinstitute that plan.  24 There are two other items that I will deal  25 with. One is the repeal Ambro effort that I have</p>	<p>56</p> <p>1 had considerable to do with since 1999, and almost  2 got it repealed in 1999. At the moment forty-nine  3 of fifty-three municipalities, at least in  4 Connecticut, are in print that they want Ambro  5 repealed. In print. Not just claimed, in print.  6 That has been submitted in times past. We kind of  7 peddled it easy to see what we're going to do.  8 If you can come up with something good,  9 utilizing the claimed area of Long Island Sound,  10 I'm not going to throw the baby out in the bath  11 water. Let's get whatever we need to do done.  12 Let's stop the fooling around and do it right.  13 But the Ambro is a gross distortion, because it  14 made the MPRSA do something here in shallow water  15 in Long Island Sound, let's say one hundred or one  16 hundred and twenty feet. They were supposed to  17 be in the abyss in the open ocean. One doesn't  18 bear anything to the other.  19 The last item is the cadmium issue. An  20 excellent report was submitted by Ted Sailor and  21 Captain Westerson on behalf of the Connecticut  22 Weighted Trades Association in 2007 to the  23 Connecticut DEP. I believe it weighted about  24 twenty-nine pounds. Mr. Sailor and Mr. Westerson  25 should be called upon to show what it means</p>

USEPA PUBLIC MEETING

<p>57</p> <p>1 because it means that the basic background of</p> <p>2 cadmium as shown by the present, either ACOE or</p> <p>3 EPA allowed amounts does not match what the</p> <p>4 background here in the Northeast US is. There</p> <p>5 was about 25,000 to 30,000 pages with major</p> <p>6 twenty-five year study of one gravel bank of</p> <p>7 virgin material, among other things.</p> <p>8 I'll give you Mr. Sailor's card and would</p> <p>9 suggest. I would submit it as Mr. Ted Sailer out</p> <p>10 of Madison, Connecticut, and I think we need to</p> <p>11 address the cadmium issue because that has been a</p> <p>12 trouble in Eastern Long Island Sound because we're</p> <p>13 not being allowed to use our dredge disposal</p> <p>14 permits, some of the people, because New York</p> <p>15 is objecting, even though when they have a</p> <p>16 permit in Connecticut. Not too nice.</p> <p>17 MR. VERAART: Thank you Mr. Spicer.</p> <p>18 MR. SPICER: You're welcome.</p> <p>19 MR. VERAART: At this time we have no</p> <p>20 further speakers so we can hold the meeting open I</p> <p>21 assume and if anybody had any questions, in the</p> <p>22 next minutes so to speak. We'll let you know if</p> <p>23 there are more speakers within the next fifteen</p> <p>24 minutes or so, and I guess we'll keep you updated,</p> <p>25 and we'll be here until we close the public</p>	<p>58</p> <p>1 meeting, of course, if there are any questions.</p> <p>2 It's not a problem to ask questions, but we do</p> <p>3 ask that you just put your name down, on the sign</p> <p>4 in sheet if you have questions. We have time so</p> <p>5 it's no problem. We have a question. What is</p> <p>6 your name?</p> <p>7 MR. GANNON: Tim Gannon. It looks like</p> <p>8 on the presentation that one of the potential</p> <p>9 disposal sites was Plum Island, is that true?</p> <p>10 MR. HABEL: It's a redevelopment site,</p> <p>11 potential redevelopment.</p> <p>12 MR. PABST: They are closing the facility</p> <p>13 there so there is a potential for material to be</p> <p>14 needed if there is a redevelopment of the area.</p> <p>15 Doug Pabst, I'm sorry.</p> <p>16 MR. COTE: It's 5:30 p.m. and we are</p> <p>17 officially adjourning today's public meeting</p> <p>18 on the Eastern Long Island Sound Supplemental</p> <p>19 Environmental Impact Statement. Thank you</p> <p>20 very much.</p> <p>21 [TIME NOTED: 5:30 P.M.]</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p>59</p> <p>1 CERTIFICATION</p> <p>2 COUNTY OF SUFFOLK)</p> <p>3 SS:</p> <p>4 STATE OF NEW YORK)</p> <p>5</p> <p>6 I, Charmaine DeRosa, Certified Court</p> <p>7 Reporter, in the State of New York, do</p> <p>8 hereby certify:</p> <p>9 THAT, the foregoing is a true and</p> <p>10 accurate transcript of my stenographic</p> <p>11 notes taken in the matter of the PUBLIC</p> <p>12 MEETING, on this 9th day of January,</p> <p>13 2013.</p> <p>14</p> <p>15</p> <p>16</p> <p>17 IN WITNESS WHEREOF, I have hereunto</p> <p>18 set my hand on this 9th day of January,</p> <p>19 2013.</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p>Charmaine DeRosa, CSR</p>	

## USEPA PUBLIC MEETING

## 1 CERTIFICATION

2 COUNTY OF SUFFOLK)

3 SS:

4 STATE OF NEW YORK)

5  
6 I, Charmaine DeRosa, Certified Court  
7 Reporter, in the State of New York, do  
8 hereby certify:

9 THAT, the foregoing is a true and  
10 accurate transcript of my stenographic  
11 notes taken in the matter of the PUBLIC  
12 MEETING, on this 9th day of January,  
13 2013.

14  
15  
16  
17 IN WITNESS WHEREOF, I have hereunto  
18 set my hand on this 9th day of January,  
19 2013.

20   
21 -----

22 Charmaine DeRosa, CSR  
23  
24  
25

# **Attachment 7**

## **WRITTEN STATEMENTS**

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## **Written Comments 1**



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□ 2404 Whitney Avenue, 2nd Floor • Hamden, Connecticut 06518  
(203) 821-7050

November 14<sup>th</sup>, 2012

Ms. Jean Brochi,  
U.S. EPA, Region 1,  
5 Post Office Square,  
Suite 100, OEP06-1,  
Boston, MA 02109-3912,

**RE: Scoping Comments on the Designation of an Ocean Dredged Material Disposal Site (ODMDS) in Eastern Long Island Sound; Connecticut, New York, and Rhode Island**

Dear Ms. Brochi,

Citizens Campaign for the Environment (CCE) is an 80,000 member, not-for-profit, non-partisan, advocacy organization working for the protection of public health and the natural environment. CCE has been working to protect water quality across NY & CT since its inception in 1985. We are an active member of the Long Island Sound Citizens Advisory Committee and participated in the Long Island Sound Dredge Workgroup, set up by EPA and the Army Corp.

In 2004 CCE opposed the Environmental Protection Agency's plan to designate two sites in the Long Island Sound as designated dump sites for 20 years. CCE understands that dredging for the safety of navigation is a necessary activity; however, open water disposal of the dredge materials is not.

The EPA has released a Notice of Intent to prepare a Supplemental Environmental Impact Statement for the designation of a long term dumpsite in eastern Long Island Sound. EPA states this is necessary because the Cornfield Shoals and New London disposal sites are set to expire December 16, 2016. The 1992 amendment to the Marine Protection Research & Sanctuaries Act established a time limit on disposal sites. **When Congress passed this important Act the intent was to STOP dumping, not to go through long processes to allow open-water dumping continue.**

In 2003 the EPA released a Draft Environmental Impact Statement for the designation of 2 long-term disposal sites in the Western area of the Sound. Due to an overwhelming public outcry, EPA, NY & CT reached an agreement that sought to phase-out open water dumping. As part of this agreement a Dredged Material Management Plan (DMMP) was supposed to be developed. The EPA's Final Notice states, "...DMMP for Long Island Sound will include identification of alternatives to open-water disposal and the development of procedures and standards for the use of practicable alternatives to open water disposal, so as to reduce wherever practicable, the open

water disposal of dredge material.” To date, the DMMP has not been developed. *CCE believes it is unwise and foolish to proceed with a long-term designation of an open-water disposal site BEFORE the final development of a DMMP. Particularly since the goal and intent of the DMMP was to reduce open water disposal, not to re-locate open water disposal.*

The Final Notice goes on to state, “The final rule contemplates that the USACE will develop through the DMMP process procedure and standards to reduce or eliminate disposal of dredged material in LIS to the greatest extent practicable.” Reducing the disposal of open-water dumping should eliminate the need for designating long-term dumpsites.

In particular, CCE offers the following items that should be addressed in the SEIS.

1. The Eastern Long Island Sound is the most biologically diverse portion of the Sound. EPA needs to conduct a thorough analysis of all the species located in these waters and assess how long-term dumping will affect species diversity. In the past years Dolphins have returned to Long Island Sound, a sign that the water quality is improving and there is an abundance of fish to feed on. The designation of long-term dump sites has the potential to reverse this positive trend.
2. An assessment of the highly diverse and critical benthos and bottom topography (rills, rises, outcrops, benthic habitats, diverse sediment types, unique benthic vegetation and animals) need to be undertaken.
3. The Eastern Long Island is also a busy zone for navigation, national security, waterborne commerce, and recreational boating. The EPA needs to assess how these activities will be impacted or be harmed or hindered because a long-term dumpsite.
4. The Eastern LIS is also an important spot for commercial and recreational fishing. Impacts to the fishing community need to be accurately captured.
5. EPA needs to fully document how long-term dumping will affect water quality in the LIS.
6. EPA needs to ensure that the guiding principles of the bi-state agreement between NY & CT-which seeks to reduce and eliminate open water dumping be captured in the SEIS.
7. EPA needs to identify disposal alternatives. The DEIS for the Western open water disposal sites was quick to rule out disposal alternatives as not being feasible. The DMMP was supposed to focus on alternatives. Yet, in the many meetings that CCE attended there was very little discussion on alternatives.
8. The EPA needs to evaluate the potential release of pathogens and toxic contaminants.
9. EPA should ensure public comments are welcomed.



In conclusion, CCE is concerned with the process of designating an open water disposal site in the Eastern Long Island Sound, particularly when in 2005 EPA, ACE, NY, and CT all agreed that we should be phasing out open water disposal and working to find alternatives for dredged material. The goal was to stop looking at dredged material as a waste product and instead look at as resource. Open water disposal is a quick, seemingly cheap fix, which is negatively creating lasting and costly effects to our estuarine ecosystems. Let's get real about alternatives and stop the archaic dumping.

Thank you for this opportunity to comment.

Sincerely,



Louis W. Burch  
Program Coordinator

## **Written Comments 2**



***Linking Long Island and New England  
Celebrating Over 35 Years of Service***

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November 14, 2012

US Environmental Protection Agency  
Region 1: EPA New England

RE: ELIS SEIS Public Meeting/Comment

Ladies and Gentlemen:

My name is Adam Wronowski and I represent Cross Sound Ferry Services, Block Island Ferry Services, Thames Shipyard & Repair Company, Thames Dredge and Dock Company, and Thames Towboat Company, all of which are Connecticut Corporations. I'm also a Director of the Connecticut Maritime Coalition. These five marine businesses operate on Eastern Long Island Sound and its tributary waters, and they rely on dredging as a fundamental necessity for their existence. Together, these five businesses employ over 500 persons. Cross Sound Ferry Services and Block Island Ferry Services provide essential transportation to the public and serve as a lifeline to Block Island and Long Island. Thames Towboat provides all of the ship docking services in New London Harbor and is responsible for the safe movement of every nuclear submarine and naval vessel that transits the Thames River. Thames Shipyard provides critical maintenance services to dozens of large passenger and vehicle ferries in the Northeast. Thames Dredge and Dock provides the vital dredging and disposal services that are the subject of this meeting. These businesses operate in publicly and privately maintained coves, harbors, and channels in Eastern Long Island Sound that require dredging. If dredge spoil disposal is prohibited in Eastern Long Island Sound, these businesses will be severely negatively impacted.

Repeatedly, over the past decades, we have analyzed the types of disposal alternatives identified in the LIS DMMP and SEIS, as part of the permitting process every time we have applied for a dredging permit. Each time, our analysis has clearly determined that all of these alternatives are unfeasible, and the only practical and feasible disposal method is disposal in Eastern Long Island Sound. Some of the primary factors that make upland disposal unfeasible are the handling and transport costs and physical land requirements.

**2 Ferry Street, New London, CT 06320  
Phone (860) 443-7394  
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[www.longislandferry.com](http://www.longislandferry.com)**

There are only two practical, cost effective, and feasible alternatives to dredge spoil disposal in Eastern Long Island Sound: 1. Land reclamation (i.e. the filling of lands waterward of, and immediately adjacent to, the high tide line). And 2. Confined aquatic disposal (CAD) cells.

Land reclamation apparently is not being considered as an alternative in the ELIS SEIS. I strongly urge EPA to reconsider this because land reclamation is the standard in many countries throughout the world for dredge spoil disposal. I also strongly urge EPA to consider the creation of a CAD cell in Eastern Long Island Sound as an alternative to an open water disposal site. The fact that the US Navy created a CAD cell right in the Thames River in 2010 for dredging of the Groton/New London Submarine Base is proof that this alternative has merit.

I further request the EPA to consider the impacts of the alternative of *NO* ELIS disposal site or a local feasible alternative as listed above. The absence of an ELIS disposal site would have far reaching social, economic, and environmental impacts. I offer these examples: The absence of an ELIS disposal site would result in businesses in eastern Connecticut either having to utilize the central (CLIS) or western (WLIS) disposal sites, or simply not dredge at all. Not dredging could lead to the failure of a dredging dependent business, which has obvious economic and social impacts. Disposal of dredge spoils in CLIS or WLIS from projects in eastern Connecticut would cause significant economic and environmental impacts. Economically, the cost of transporting (i.e. towing a dump scow with a tug) dredged material to CLIS or WLIS can more than double the total cost of a dredging project in eastern Connecticut. Environmentally, the air emissions generated by transporting (i.e. towing a dump scow with a tug) dredged material to CLIS or WLIS could significantly impact air quality by increasing the carbon and NOx levels in the region.

In summary, if dredge spoil disposal is prohibited in Eastern Long Island Sound, many marine related businesses will be extremely negatively impacted throughout Eastern Connecticut. This would create significant negative social, economic, and environmental impacts for the region. If a practical economical alternative to this is to be found, then land reclamation (especially the filling of lands immediately adjacent to, and waterward of, the high tide line with dredge spoils) or the creation of a local CAD cell must be considered as an acceptable alternative in the SEIS.

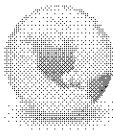
Sincerely,



Adam Wronowski

## **Written Comments 3**





NOI, SEIS, Designation of Ocean Dredged Material Disposal Site in Eastern LIS, ER # 12/0759

Dube, Jeannine

to:

Stephanie Nash, ELIS

11/15/2012 07:24 AM

Cc:

Brett Hillman

Hide Details

From: "Dube, Jeannine" <jeannine\_dube@fws.gov>

To: Stephanie Nash <stephanie\_nash@fws.gov>, ELIS@EPA

Cc: Brett Hillman <brett\_hillman@fws.gov>

The New England Field Office of the U.S. Fish and Wildlife Service has no comment on the subject NOI.

Jeannine Dube

--

Jeannine Dube

Secretary

New England Field Office

70 Commercial St., Suite 300

Concord, NH 03301

603-223-2541

## **Written Comments 4**

**United States Environmental Protection Agency Notice of Intent Public Meeting**

**Scoping Comments for Public Record Due January 30, 2013**

**Dredged Material Disposal Sites in Long Island Sound**

**November 14- University of Connecticut at Avery Point, Groton, CT**

Timothy C. Visel  
10 Blake Street  
Ivoryton, CT 06442

EPA FRL-9741-9 Notice of Intent Designation of an Ocean Dredge Material Disposal Site

Good Evening,

We have heard much about dredge material disposal tonight but it is important that we know what it is. Not all dredged material is the same and it is important to classify it beyond just a term.

My first experience with dredged material offshore was with a DAMOS project in 1978 for New Haven harbor. Knowing what the material was, it made sense to cap it. In 1983 at Osterville, Cape Cod, an upland dewatered site with organic material also worked very well. It was mostly a sticky gelatin like material and clean, mostly leaf litter, a good option for this material. In Massachusetts, especially on the Cape, creeks and rivers filled each summer with organic matter mostly leaves and dead sea grasses. Dredging projects were removing accumulated composting leaves and were mostly small maintenance projects. It is my understanding that several Cape Cod towns today share a community dredge to keep small creeks, coves and rivers clear of organics. Such dredging can help restore tidal flows reduce oxygen debts and recycle banked natural nitrogen compounds from organic composts, which can also help shore fisheries as it is basically a fish food.

We also need to examine site conditions as well to current climate and energy patterns. In the 1950s and 1960s dredged leaf and organics were disposed offshore in high energy zones in relatively shallow water. Immediately after dumping (old term) reports from fishermen often included fish increases feeding upon shrimp species. In fact, conversations with fishers and marina owners told me that with colder temperatures combined with much more coastal energy after a few months it was difficult to find the disposed material at all; it was gone. This was also when winter flounder fishers would head to the "disposal" sites to catch fish that was because that was 'where the flounder were'. A similar disposal site fishing association occurred in eastern CT over organic

material disposed by Pfizer Corp in the 1980s. Eventually this material Mycelium was recycled for a local mushroom grower. Organic matter quickly becomes part of the marine food chain, such as the breakdown of acidic leaf compost is a natural process and attracts marine species that feed on it.

When creeks, coves and tidal rivers are dredged especially along the Connecticut shore they tend to collect leaves, which rot in high heat and low energy conditions. Several Connecticut coves have deep accumulations of leaves, such as Hamburg Cove in Lyme, Connecticut. In certain areas here over 10 feet of leaves have rotted producing an acidic sticky material rich in nitrogen, a marine compost that when disturbed has a sulfide odor. This compost once it is dredged and placed in oxygen containing waters it becomes fish food and is quickly consumed by plant grazers and shrimp.

In many cases navigational dredging has become a leaf removal activity, after the prohibition on the fall burning of leaves, leaf material substantially increased on Cape Cod and other watersheds. Today navigation interests are in the leaf removal business, no different than land. Because of the huge amounts of terrestrial organic debris dredged material is often just clean aquatic compost. Dredged channels have better tidal flows and can at times restore habitats buried by this acidic compost. Therefore it is critical to know what the material is, is it leaves and organic compost, clays silts or sand or cobblestones. Is the material clean or contaminated, can it be reused or recycled. Dredged material may soon become a key component of reducing flooding and shoreline protection. We can use it to create buffer islands and marshes, clean dredged material is therefore of value to use now with future shoreline protection programs to mitigate sea level rise.

Our forests have returned the mature tree canopy and is now dense with leaves, and spring leaf runoff fills our coves and bays with them each spring. In periods of high heat and low energy huge deposits accumulate and produce a black jelly like material, which is basically food for many species. Dredging is an expensive way to remove these leaves from bay bottoms and we now have a lot of them.

I hope that the issues surrounding habitat restoration, mitigation, creation and enhancement can be applied to the disposal of dredged material. In the future dredging may not be looked at as a problem but in fact an opportunity.

Please include these suggestions as the Supplemental Environmental Impact Statement for Dredged Material Disposal Sites in Eastern Long Island Sound is developed.

Thank you for the opportunity to comment this evening.

Tim Visel  
10 Blake Street  
Ivoryton, CT 06442

## **Written Comments 5**

**CITIZENS  
CAMPAIGN**  
FOR THE ENVIRONMENT

[www.citizenscampaign.org](http://www.citizenscampaign.org)



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**Scoping Comments on the Designation of an Ocean Dredged Material Disposal Site (ODMDS) in Eastern Long Island Sound; Connecticut, New York, and Rhode Island**

*Comments Submitted by:*

Maureen Dolan Murphy, Executive Programs Manager

January 9, 2013

Citizens Campaign for the Environment (CCE) is an 80,000 member, not-for-profit, non-partisan, advocacy organization working for the protection of public health and the natural environment. CCE has been working to protect water quality across NY & CT since its inception in 1985. We are an active member of the Long Island Sound Citizens Advisory Committee and participated in the Long Island Sound Dredge Workgroup, set up by EPA and the Army Corp.

In 2004 CCE opposed the Environmental Protection Agency's plan to designate 2 sites in the western portion of Long Island Sound as designated dump sites for 20 years. We were joined with thousands of residents and elected officials from every level of government in both NY & CT. It did not make logical sense that after millions of dollars spent on restoring the Sound we would designate it as a long-term dumping ground. Now, in 2013-nine years later- the EPA is again looking to designate 2 areas in the Sound as a dumping ground for dredged material. What has changed? The answer--nothing. It was unacceptable in 2004 and it's still unacceptable in 2013.

CCE agrees that dredging for the safety of navigation is a necessary activity; however, open water disposal of the dredge materials is not. In 2005, EPA, along with the Army Corp, NY, and CT agreed to phase-out open water dumping and move towards beneficial re-use of dredged material.

As part of this landmark bi-state, multi-agency agreement, a Dredged Material Management Plan (DMMP) was to be developed. EPA's Final Notice states, "...the DMMP for Long Island Sound will include identification of alternatives to open-water disposal and the development of procedures and standards for the use of practicable alternatives to open water disposal, so as to reduce wherever practicable, the open water disposal of dredge material." To date, the DMMP has not been developed. ***CCE believes it is risky and ill-advised to proceed with a long-term designation of an open-water disposal site BEFORE the final development of a DMMP. Particularly since the goal and intent of the DMMP was to reduce open water disposal, not to re-locate open water disposal.***



The Final Notice continues to state, "The final rule contemplates that the USACE will develop through the DMMP process procedure and standards to reduce or eliminate disposal of dredged material in LIS to the greatest extent practicable." Reducing the disposal of open-water dumping should eliminate the need for designating long-term dumpsites.

The ruling goes on to state that disposal of dredged material cannot occur at the western sites beginning 8 years after the ruling date (2005) unless a DMMP has been developed. Here we are 8 years later, with no DMMP. Instead we have a plan to open 2 eastern sites for dredge dumping. This was not the intent or the agreement of the settlement between NY/CT. It was also not the intent of the EPA ruling. Open water dumping is not the solution for proper management of dredge materials. Eight years ago we called for and were promised a plan that evaluated beneficial reuse options for dredged materials. This plan put forth a goal of considering dredge materials to be a resource and not a waste product. Now, 8 years later, the only plan the EPA is putting forth is to dump more dredged materials into our Long Island Sound. **New location, same story.**

CCE is gravely concerned that the EPA is moving forward with this process before they have fulfilled their obligation to complete a DMMP for LIS. **We encourage the EPA to focus on the DMMP and to halt their efforts to designate a long-term dumpsite in the Sound.**

However, should EPA move forward in this process, CCE offers the following items that should be addressed in the SEIS.

1. The Eastern Long Island Sound is the most biologically diverse portion of the Sound. EPA needs to conduct a thorough analysis of all the species located in these waters and assess how long-term dumping will effect species diversity. In the past years Dolphins have returned to Long Island Sound, a sign that the water quality is improving and there is an abundance of fish to feed on. The designation of long-term dump sites has the potential to reverse this positive trend.
2. An assessment of the highly diverse and interesting benthos and bottom topography (rills, rises, outcrops, benthic habitats, diverse sediment types, unique benthic vegetation and animals) need to undertaken.
3. The Eastern Long Island is also a busy zone for navigation, national security, waterborne commerce, and recreational boating. The EPA needs to assess how these activities might be harmed or hindered because a long-term dumpsite.
4. The Eastern LIS is also an important spot for commercial and recreational fishing. Impacts to the fishing community need to be accurately captured.
5. EPA needs to fully document how long-term dumping will effect water quality in the LIS.
6. EPA needs to ensure that the guiding principles of the bi-state agreement between NY & CT-which seeks to reduce and eliminate open water dumping be captured in the SEIS.



7. EPA needs to identify disposal alternatives. The DEIS for the Western open water disposal sites was quick to rule out disposal alternatives as not being feasible. The DMMP was supposed to focus on alternatives. Yet, in the many meetings that CCE attended there was very little discussion on alternatives.
8. The EPA needs to evaluate the potential release of pathogens and toxic contaminants.
9. EPA should ensure public comments are welcomed.

In conclusion, CCE is concerned with the process of designating an open water disposal site in the Eastern Long Island Sound, particularly when in 2005 EPA, ACE, NY, and CT all agreed that we should be phasing out open water disposal and working to find alternatives for dredged material. The goal is to stop looking at dredged material as a waste product and instead look at as resource. Open water disposal is a quick, seemingly cheap fix, which is negatively creating lasting and costly effects to our estuarine ecosystems. Let's get real about alternatives and stop the archaic dumping.

Thank you for this opportunity to comment.

## **Written Comments 6**

Statement of Fishers Island Conservancy Comments – Eastern Long Island Sound SEIS Public  
Scoping Meeting - January 9, 2013

- My name is Robert Evans. I am a member of the Board of the Fishers Island Conservancy and live year round on the Island. I am joined here by Andrew Ahrens, a fellow Board member of the Conservancy, who also has a residence on Fishers Island. We are submitting these comments on behalf of the Conservancy.
- The Fishers Island Conservancy is a nonprofit organization formed over 25 years ago to work with Island residents, businesses, non-profit organizations and the government for the purpose of preserving, enriching and enhancing the natural resources of Fishers Island and its surrounding waters.
- Fishers Island is the nearest populated area to the New London Disposal Site. The Site is in fact only hundreds of yards away from us. The Fishers Island Conservancy strongly believes that the New London Disposal Site and also Cornfield Shoals should be closed as scheduled, in December 2016. The Conservancy urges the EPA to review potential disposal sites areas outside of the Long Island Sound and Block Island Sound for future disposal.
- We have been concerned for many years about the damage caused by large scale disposal at the New London site. The Conservancy was a party to the 1995 lawsuit that resulted in the 2002 settlement providing for the EPA's formal designation process for dredged material disposal sites.
- Tables showing average annual dumping at the New London Dump Site over the years can be misleading, and certainly do not indicate that there is no problem. The fact is that except for the years 1995, 1996 and 2007, there has been very little dumping at that site in the last 20 years. The last large scale dumping seven years ago, of approximately 400,000 cubic yards, resulted in significant problems. The lobster population was greatly harmed at that time; very few people believe that the damage was coincidental.
- The science developed in Phase I of the Long Island Sound Site Designation proceeding demonstrated conclusively that the New London Disposal Site was inappropriate and unacceptable based on almost all relevant criteria – including the presence of strong currents, shallow depth, a location in the midst of the New London port navigation channels with dredge spoils being stirred up by propellers, and sensitive lobster, shellfish and other fisheries.
- We are also concerned by reports that submarines travelling to and from Groton, Connecticut on occasion have inadvertently hit the cap on the disposal site. We believe the danger of further problems of this sort would only intensify if substantial dumping were allowed to take place there.

- Our concern can be illustrated to laypersons simply. The New London Dump Site is extremely near the Race, which as anyone familiar with those waters knows, is an area of extremely strong currents. Dumping spoil in those waters is akin to throwing dirt onto a fan.
- It also bears note that, as the Conservancy advised the EPA and Army Corps at the end of our litigation, we do not believe that the New London Disposal Site has ever been properly designated or selected as a disposal site for federal projects or private projects over 25,000 cubic yards under the Ocean Dumping Act. The New London Site can now legally be used only for private projects of 25,000 cubic yards or less, and thankfully has not been used to any significant degree since the problems of 2007.
- The Ocean Dumping Act mandates a preference for disposal sites off the continental shelf. We appreciate that there will be a need for disposal of large amounts of dredged materials in the future, but we implore the EPA to investigate sites much farther afield from this extremely populous area and to allow the New London and Cornfield Shoals sites to close as previously scheduled.

## **Written Comments 7**



Ms. Jean Brochi  
U.S. EPA, Region 1  
5 Post Office Square, Suite 100, OEP06-1  
Boston, MA 02109-3912

January 24, 2013

**Re: Supplemental Environmental Impact Statement on the Disposal Site Designations in Eastern Long Island Sound, Connecticut**

Dear Ms. Brochi:

Save the Sound is a non-profit organization dedicated to the protection, restoration and appreciation of Long Island Sound, and we have long served these interests through advocacy, education and research. Dredging and appropriate management of dredged material is often the best means of maintaining safe channels for navigation, marinas for recreation, ports for commerce, and many other important economic interests. It is for this reason that Save the Sound supported the designation of the Western and Central Long Island Sound Disposal Sites, that we participate in the development of the Dredge Material Management Plan (DMMP), and that we support the process for designating disposal sites in Eastern Long Island Sound. However events over the past year highlight the need to begin thinking of dredge materials as a local resource, and not as a by-product to be discarded.

The aftermath of Irene and Sandy—the two coastal storms that resulted in record or near-record storm surges within one year's time—indicates that we are living along a coast that is now more storm and flood prone. This unwelcome reality demonstrates the need for a paradigm shift in the way we manage dredge materials. If we are going to work with natural systems to make our coast more resilient, we need to harness the substantial volumes of dredge materials within our region to restore and enhance dune, beach and marsh systems. For proof, we need look no further than the American Littoral Society's recently completed rapid coastal assessment of Superstorm Sandy impacts along the Sound's coastline.<sup>1</sup> This quick evaluation, while admittedly incomplete, does an excellent job of providing summaries of impacts to and restoration needs for beach, marsh and coastal island systems along the Sound. Of those, at least twelve major

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<sup>1</sup> American Littoral Society, for NFWF, *Assessing the Impacts of Hurricane Sandy on Coastal Habitats*, December 17, 2012.



restoration projects require substantial sediment inputs and nourishment.<sup>2</sup> With this new reality as our backdrop, we request that the U.S. Environmental Protection Agency (EPA) and U.S. Army Corps of Engineers (Corps) outline and facilitate the use of the following alternatives to open water disposal, not only in the DMMP, but also as part of this site designation process:

Beach and Dune Restoration – using the dredged material that is sandy as a replacement or enhancement for existing beaches and dunes;

Marsh and Marsh System Restoration and Enhancement – using dredge materials as the basis for restoring and enhancing marsh systems;

Containment – disposing of dredged material in a confined disposal facility (“CDF”) that is constructed in protected waters, harbors, or in the open ocean so that resultant shorelines or islands may be used as construction or recreation sites and/or a habitat for wildlife;

Containment Areas and Wetlands Stabilization – depositing the dredged material into diked areas attached to existing land in protected waters, preferably near existing wetlands;

Upland Disposal – disposing of dredged material in any inland area to enhance a site for construction, recreation, and/or wildlife;

Resource Reclamation – using the material as a soil enhancer for landscaping and agriculture purposes, or as a component in construction material;

Landfill Cover – using the material as sanitary landfill cover;

Subaqueous Borrow Pits – first placing the dredged material in underwater depressions that result from the mining of sand and gravel and then capping it with a layer of clean material; and

Incineration – using the resulting byproduct in cement applications.

Save the Sound understands that the regional dredging needs are significant and that the volume of material may outpace beneficial reuse options. To that end, we support the site

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<sup>2</sup> See *ALS Assessment* at Exhibit 1, pp. 17-22. Resources identified as requiring some form of sediment sources include various beachfront parks on Long Island, Great Gull Island, NY; Silver Sands State Park and Milford Point, Milford, CT; Falkner Island, Guilford, CT; Menunketesuck Island and Duck Island, Westbrook, CT; Seaview Beach, Madison, CT; Rocky Neck State Park, East Lyme, CT; Harkness Memorial State Park along with Waterford Town Beach and Pleasure Beach in Waterford, CT; Caumsett State Historic Park Preserve on Long Island; and Manursing Lake in Rye, NY. This is an initial summation; there are additional sediment-based restoration needs as well. For instance, a proposed tidal marsh restoration project in Holly’s Pond at the mouth of the Noroton River in Connecticut will require significant sediment inputs. This does not begin to include potential beach and dune restoration options along privately owned and low-lying residential beach communities that suffered substantial wave and flooding damage scattered along the Connecticut, Westchester and Long Island coasts.

designation process currently underway. We have lingering environmental concerns regarding the need to maintain a clean cap at disposal sites, but it is our understanding that long-term assessments of LIS dredge disposal sites with clean caps suggest benthic communities have not been significantly impacted. Save the Sound would be interested in a scientific review contrasting benthic impacts at these sites against historic disposal sites that did not require clean capping, in order to better understand the comparative impacts and benefits from the clean cap mandate.

As a means of expediting and economizing non-Corps dredging projects while also taking environmental concerns into account, we suggest analyzing the benefit of creating a dredging liaison or ombudsman for the whole of Long Island Sound. Such an ombudsman could help coordinate and execute informed, best practices; specifically, the liaison could guide local yacht clubs and marinas in the preparation and coordination of projects, match dredge materials with potential beneficial reuse projects, as well as organize NY/CT collaborative efforts and shared Confined Aquatic Disposal (CAD) cells.

In summary, though our preference is for beneficial reuse of sediments when at all possible, Save the Sound expresses its support for moving forward with the process for designating the Eastern Long Island Sound Disposal sites, as long as alternatives to open water disposal are carefully evaluated, and as long as measures are taken to mitigate the environmental impact and comply with the Clean Water Act and the Marine Protection, Research, and Sanctuaries Act.

We thank you for the opportunity to comment and look forward to continued conversations as the designation process develops. Should you have any questions, please do not hesitate to contact me at [lschmalz@savethesound.org](mailto:lschmalz@savethesound.org) or 203.787.0646 ext. 121.

Sincerely,

A handwritten signature in black ink, appearing to read 'LS', with a horizontal line extending to the right.

Leah Schmalz

Director of Legislative and Legal Affairs

Save the Sound, a program of Connecticut Fund for the Environment

Kathleen Coss, legal intern

Brian Gibbons, legal intern



## **Written Comments 8**

**Eastern Long Island Sound Supplemental Environment Impact Statement –**

**Dredged Material Disposal Site**

**Comments from Tim Visel**

**10 Blake Street**

**Ivoryton CT 06442**

**Submitted to Alicia Grimaldi**

**Ocean and Coastal Protection Office Environmental Protection Agency**

**Region 1, Boston, Mass 02109-3912**

Comments refer to high organic mucks and marine composts – sand and cobblestones should be recycled as shoreline stabilization and beach nourishment projects.

The Role of Dredging, Flushing and Increased Tidal Exchange

Are “Dead Zones” of Poorly Flushed Coves and Bays Natural or Unnatural

A Habitat History for Nitrogen Containing Sapropel\*

Is nitrogen subject to climate and energy impacts in Long Island Sound? And, is flushing related to the strength and severity of anoxic conditions in Western Long Island Sound? A quick review of the 1974 to 2004 period will show massive habitat shifts as reported by coastal fishers. In almost every New England shore fishery, especially those in coves and bays, user group (fishers) comment and ask about these habitat changes. Nearly all of them speak about the “bottom” previously firm or hard bottoms have now become softer, and often muck filled. As these changes occurred, the fishery associated with them also changed, they declined. Chief among them would be winter flounder, bay scallops and the hard clam. At the same time, the boating community also noticed changes often as lessening depths and the need to conduct navigational dredging projects to maintain channels. Navigation soon became difficult then impossible in many small tidal rivers.

These user group accounts are consistent from the baymen of eastern Long Island, Rhode Island’s South Shore (salt ponds), Connecticut and Cape Cod, Massachusetts. Frequent observations in the late 1970s to 1980s mentions white films or fungus growths on bay bottoms that in years past, were firm and shelly, especially those on eastern Long Island, Peconic Bay New York. Here small boat fishermen who once hand hauled otter trawls for winter flounder and those who bay scalloped were among the first to notice these habitat

\* Sapropel – Ancient Greek – Sapro and pelos as putrefaction of mud. Sapropel is developed during periods of reduced oxygen in sediments that contain high levels of organic matter. It usually has a strong sulfur odor. It can be removed by dredging

shifts. In areas that were once clear and firm, now contained deepening organic deposits turned black and foul bottoms that often smelled especially during summers of rotten eggs. Over time, these vegetation deposits – sea grasses decayed leaves and seaweeds, were more than inches deep in the more sluggish coves – it soon would be measured in feet.

As depths decreased flushing capacity lessened and in time habitats would soon become buried in marine compost, sapropel.

Dredging coastal salt ponds, maintenance channel dredging and mooring basins is not that different than that of tidal inlet flushing. A natural energy process that “restores” previous depths, providing safer access for boating and navigation interests but it helps restore habitat conditions for fish and shellfish species. Dredging the build up of marine compost which is a often toxic sulfide rich gelatinous material, can improve habitat quality. We need to be able to move deposits organic rich matter in oxygen deficit areas into those that are oxygen sufficient. Dredging may be one of the few tools we have in the climate change tool box to increase tidal circulation and enhance dissolved oxygen water exchange. Dredging to restore tidal flushing/tidal exchange will also enhance shellfish and finfish habitats in two important ways enhance the capacity of higher pH ocean water to offset flow pH microbial deposition and reduction processes (The Sulfur Cycle).

Dredging can also eliminate nitrogen “banks” accumulating nitrogen compounds that bind to these organic low pH mucks. During hot periods and low energy nitrogen is naturally stored in these mucks which can take centuries to clear. Dredging may reduce the nitrogen residence time by decades even perhaps centuries. While nitrogen pollution has been at the forefront of environmental policy, it has not been correctly indexed to temperature and energy. Therefore dredging can mechanically remove nitrogen rich deposits, restore flushing and provide navigable waters. To do so, however, will require disposal sites for this sulfur rich material and in oxygen sufficient waters where oxygen reducing bacteria can reduce it and it can reenter the marine food chain (fish food). The key to reducing sulfur toxicity is to restore oxygen dependent reduction processes. Dredge material disposal sites will have a key role in this process.

Pollution studies that have previously examined the nitrogen issue few mentioned the time it takes for nitrogen to clear naturally; it may prove cheaper and certainly quicker to dredge the excess. To allow natural processes to clear excess nitrogen which naturally accumulates during periods of warmth (sulfur reduction) and is utilized during cold (oxygen reduction) may take decades or even centuries. Quick recoveries of living marine resources should not be equated to aqueous nitrogen abatement. In a 1971 book by H.B.N. Tynes Professor of Biology University of Waterloo Ontario, Canada, he warns researchers about promising quick recoveries following eutrophic conditions. In lake studies he describes this nitrogen banking processes and the time it takes to clear it. Most lakes and ponds are periodically dredged to quicken this habitat recovery process. In a recent NOAA study by Clyde Mackenzie who looked at regions for hard shell clam production (*Mercenaria mercenaria*) he found that production was less when ocean tidal exchange (smaller inlet width) was less but production (clam landings) soon increased (sometimes dramatically) when tidal exchange (flushing) was increased due to inlet widening (after storms) or by dredging (see appendix).

Dredging may directly remove low pH acidic deposits (especially from acidic oak and maple leaves) in areas where sulfur reduction (sulfate reducing bacteria – sulfur reducing bacteria) is building huge nitrogen reserves. In high heat these composts reduce producing ammonium, a plant nutrient that favors the growth of algae “blooms”. Some of them are harmful to shellfish species (HAB). In poorly flushed coves or bays that have restricted circulation low oxygen levels and a heat induced low pH combine to lock up nitrogen compounds in enriched organic matter preventing it from entering estuarine food webs.

The boating community were often reported such changes but as shallow water, depths had decreased and bottoms now deep in muck often smelled bad (hydrogen sulfide) similar to comments from fishers. A previously minor nitrogen input (leaves) during cold and energy periods can be devastating during heat and less energy. Hot oxygen reduced leaf “composts” in the marine environment is now a huge source of ammonium, and as damaging or more so than human nitrogen discharges. The building up of sulfide rich acidic organic deposits has resulted in wide scale habitat degradation and could take centuries to clear localized ecosystems. Dredging could help speed this process<sup>1</sup>.

In times of high heat dissolved oxygen in sea water drops and areas that are poorly flushed may suffer seasonal hypoxia. For many shallow water bodies this appears to be a natural cyclic ecosystem event. Long Island Sound most likely experienced hypoxic episodes many times before leaving the cold and turbulent 1950s. Termed the North Atlantic Oscillation (1950 to 1965) this period is remembered by colder than average winters and at times unbelievable levels of storm activity. Colder waters allowed dissolved oxygen levels to increase – oxygen reduction quickly utilized organic debris as nitrogen compounds and quickly washed it from bay bottoms. With the cold and storms, nitrogen in Long Island Sound became limiting. In fact, research was underway at Yale University to determine the extent of the nitrogen shortfalls, it was suggested that for a time, nitrogen became limiting in Long Island Sound. The climate had much to do with this 1950s nitrogen “shortage” as organics such as today leaves woody debris and terrestrial nitrogen sources. In cold periods Nitrogen did not “bank” in partially reduced composting accumulations. Although many marine studies label them as sediments or even soils, that is a misnomer, as much as you would label leaf compost, a soil in terrestrial ecosystems.

<sup>1</sup> Dredging may also help lessen hypoxia events and help restore oxygen levels above lethal limits.

As such terrestrial accumulations are transitory and in time sufficient oxygen and bacterial processes will breakdown leafy material into soil components. However, three feet of leaves is not a soil or similar unreduced organic matter be termed sediments in marine ecosystems. Many dredging projects therefore are compost removal activities. It is safe to say that even without our nitrogen inputs – shallow warm poorly flushed bodies of water undergo periodic climate induced hypoxia, and fish kills and algae blooms from high heat and low energy conditions are as old as recorded time itself.

## Physical and Chemical “Erosion”

During warm and low energy periods sand dunes tend to grow – plants soon “invade” and hold the sand in a banking process, the sand dune itself. Warm water is naturally less dense and has a different erosion capacity, in fact, periodic energy during warm periods tends to move sand bars ashore and seasonal winter – summer beach profiles often show this sand bar movement.

When a cold and energy filled period commences, tides, waves and strong storms tend to draw against this sand “bank”. We can see this withdrawal from this sand reserve as beach erosion.

Since our current sea level rise period is hundreds of years old, we can see from today’s nautical charts the shorelines of long ago when they ran out of banked sand. They are the near coastal depth contours. When the sand dune bank ran out, the sea claimed the property below them as it had since the last Ice Age, as a natural process. There is no short term dynamic equilibrium but a long term fluctuation since the last Ice Age dictated by temperature and energy cycles.

During warm and low energy periods, organics tend to bank in the shallow poorly flushed areas. These are the same areas that contain essential fish and shellfish habitats, the ones also user groups historically observe. This is the habitat transition (reversal) found so frequently in fisheries reports – the change for firm “hard” bottoms, often with estuarine shell, a natural pH buffering agent. This change from an alkaline to acidic marine soil has dramatic consequences for estuarine organisms, bivalve sets decrease, winter flounder habitat becomes too acidic and the red macroalgae plants give way to acid tolerant ones especially eelgrass, *Zostera marina*. The ability of eelgrass to trap organic matter many times as dense as bare sand has a huge role in the acidification of marine soils. Its ability to trap organic matter in high heat adds to the rapid rise of the bottom profile. Much of this influence is from terrestrial inputs as detritus dead organic matter, leaves, woody debris and dead grasses. Eelgrass blades trap this debris (called oatmeal by fishers) a brown loose easily disturbed “chaf” which fills shores between sandbars and forms in tidal eddies and in high heat stimulates the sulfur reduction cycle. High heat drives oxygen from these shallow waters (inverse solubility law) and different types of bacteria soon dominate; the sulfate and sulfur reducing bacteria (many strains and species). As the oxygen level drops oxygen dependent decomposers are soon overwhelmed and this organic matter is now “banked” as an accumulation of viscous jelly like material (again not a soil or sediment) but as partially reduced “marine compost” or sapropel.

Estuaries can hold this banked organic matter we can observe as decreasing depths. Decades ago people realized the impact of these accumulating leaves and would upon leaving channels drag iron rings or old metal frames to loosen and dislodge these rotting leaves on outgoing tides, removing them from oxygen depleted channels to the more oxygen sufficient open waters of Long Island Sound. Later this practice would also be termed prop washing, but it wasn’t really that different than oxygen injection into waste water treatment plants bio filters to reduce biological oxygen demand.

Oxygen depletion does influence the organic deposition accumulation rate, the lower the oxygen the faster this organic material (and nitrogen compounds) is banked. It is not unlike the process of land locked water bodies, lakes and ponds which accumulate over time this organic compost (colonial farmers would frequently harvest this compost for terrestrial soil nourishment) builds

up and pond/lake depths decrease over time, removal accomplished by storms (floods) or our intervention – dredging.

With a renewed and vigorous forest canopy in Connecticut this process occurs in the coastal environment also especially in times of extended heat. It is this “marine compost” that fishers (shellfishers especially) noticed accumulate on previously hard or clear (and often deeper) bottoms. In times of heat this process starts slowly a few inches but as the material becomes acidic and sulfur rich this process quickens reaching several feet. It is then banked rich in plant nutrients (nitrogen) and phosphorus that could last hundreds of years. In fact, much of the nitrogen compound and phosphorus spring “flush” is the result of decayed leaf materials washed down brooks and streams into the estuaries. The restored forest canopy trees can alter the nitrogen retention process tilting it toward the sulfide reducing bacteria made infamous for the “stink” of salt marshes here in CT during an extremely warm periods and few storms, during the so called Great Heat 1880-1920. It is at this time that marsh stinks were linked briefly to “bad airs” and disease vectors, but what really were smelling was strong hydrogen sulfide gas emitted during the sulfur reduction process in high heat and low oxygen. Thus the rotten egg odor at the turn of the century usually occurred in late August during the height of the summer heat. At the turn of the century many coastal Connecticut towns reported strong rotten egg smells emanating from salt marshes during this period (1880-1920). Because it is difficult to see this process, these reports labeled the marshes as the culprit, but in actual fact it was the decomposition of organic material sealed from the atmosphere, those deposits under the water. It is also the time of the immense juvenile winter flounder fish kills of eastern New York in bays and coves high heat sulfur reducing bacteria can change the chemical and biological characteristics of this “banked” organic material, it now tends to become acidic by the release of hydrogen ions and soluble metals to be converted into insoluble metal sulfides. That is why metal levels appear to rise in these oxygen depleted areas.

In a 1980s mining case history and in experiments by EPA, scientists confirmed the metal recycling ability of sulfate-reducing bacteria that chemically convert dissolved metals into insoluble metal sulfides. Therefore, in high heat/low energy conditions, deep accumulations of organic matter become rich in metals over time. Thus, in these high heat/organic prevalent deposits, metal levels will naturally increase. The longer sulfate reducing bacteria affinity (potential) to reducing bacteria exists, it can complex them in this oxygen deficient organic matter. This appears to be part of the natural mineral salt accumulating process. This natural metal complexing process has confounded numerous dredging projects in low salinity areas found in nearly all Connecticut’s rivers. I have found a quick chart showing the potential of sulfate-reducing bacteria to complex heavy metals.

**Percent Recovery of Metals from Mine Water (waste water) Using Sulfate-Reducing Bacteria**

<u>Metal</u>	<u>Percent</u>	<u>Recovery</u>
Aluminum	99.8	Many organic deposits below salt marshes have high levels
Copper	99.8	
Zinc	100.0	Zinc taste often appears in oysters
Cadmium	99.7	
Cobalt	99.1	

Iron *	97.1	As such, many mine waste waters with reduced pH will appear red
Maganese	87.4	
Nickel	47.8	

\*See associated oxidation of ferric hydroxide (ochre)

This chart is from an EPA study – Takak, Henry H., et al (2003) Bio-degradation 14:423-436 as found in a college textbook Environment: The Science Behind the Story (page 657).

One could expect that aside from tank studies conducted by Takak (2003), this process occurs in nature under high heat and low energy (mixing) of oxygen sufficient waters above. Field surveys of deep deposits of partially reduced organic matter often have strong hydrogen sulfide odors signifying a sulfur-reducing bacterial presence. This process also occurs under salt marshes and explains why sediments under them often contain high aluminum levels. A by-product of this process is the common sulfur smells. Since dissolved hydrogen sulfide gases from creeks and salt ponds are toxic to most fish species and most harmful in warm water which can hold less oxygen. This sulfur reducing process also explains why eelgrass meadows frequently show extremely high sulfide levels below them as its ability to slow surface water flows and trap organics, helping to separate these two nitrogen/respiration pathways. High sulfide levels are toxic to most marine organisms. In fact, in the aquarium and aquaculture industries, the cause of “black death” or “black water death” is from the sulfides found in them. Changing filter systems in the first commercial bio filters have been dangerous since the first closed system aquaculture operations were constructed. This gas releases when these sediments “boil” even at low temperatures can cause killer toxic gas events in the tropics near large lakes with high organic matter inputs.

Removing sulfide-rich deposits to oxygen sufficient areas as dredged material allows the oxygen-nitrogen pathway to continue producing nitrates, a plant nutrient that favors vascular plants (submerged aquatic vegetation). The nitrogen-sulfide pathway produces nutrients that favors plankton especially the browns that so devastated eastern Long Island’s Peconic Bay scallop fisheries in the 1990s. High heat drives the nitrogen-reducing pathways from the oxygen sufficient towards the oxygen deficient sulfur reduction process. Brown plankton blooms often occur during periods of high heat and low energy because of the enormous supply of ammonium and reverse with blue green algae in cooler and energy prevalent periods. This happened during The Great Heat of 1880-1920 and from Connecticut’s coastal core studies many times before.

Closed system aquaculturists have long realized how important oxygen sufficient, nitrogen-reducing bacteria are to the ammonium to nitrate cycle for fish culture. Home aquariums also are subject to the some habitat failure when filters are overwhelmed with organic matter and turn black. Submerged aquatic vegetation that traps organic matter in high heat can accelerate this habitat degradation process. Eelgrass meadows in high heat have been known to produce extremely high sulfide levels beneath them. Having oxygen-reducing bacteria shift to oxygen-deficient sulfur reduction kills bio filters and ammonium levels soar. In the marine environment, this occurs on a massive system-wide scale especially in shallow, warm, poorly flushed coves and bays. Sulfate-reducing bacteria combined with high heat shift the balance to plankton, not

vascular plants providing the ready access “fuel” needed to sustain these intense algal blooms associated with high heat habitat reversals. These habitat reversals can be decades of more in duration as banked organic sulfur-rich deposits build-up and can be a nitrogen source for centuries. This situation is also described by Hynes (1971) in his lake studies.

“In an oligotrophic lake there is little oxygen demand in the hypolimnion because of the general paucity of life and the absence of much organic matter sinking from above. The store of oxygen is therefore sufficient to last until the autumn, when complete mixing again occurs because of the cooling of the epilimnion. In a eutrophic lake on the other hand there is a large oxygen demand in the hypolimnion because of the constant rain of dead and dying plankton, and all the oxygen is used up during the summer at least near the bottom. This is of course has marked effects on the benthic fauna, which do not concern us here, but it also affects the release of nutrients from the dead organisms. Under aerobic conditions these salts tend to remain in the mud, and relatively small amount of them find their way back into the water; under anaerobic conditions, however, they are released very rapidly into solution and hence, ultimately, back into the biological cycle.

Therefore, as a lake reaches that state of productivity which results in total de-oxygenation at the bottom of the hypolimnion it becomes considerably more productive, and may begin to produce plankton blooms quite suddenly. It is at this stage that the general public becomes aware that the lake has changed, and within a very few years there may be marked losses of amenity.”

Dredging, therefore, has the ability to remove this nitrogen bank that could take decades or longer to naturally decompose and restore previous tidal flows, and in times of high heat, mitigate high heat habitat failures. This improvement in water flows promotes oxygen reduction processes and not one that supports a sulfur-reducing pathway.

That is why fishers often report increases in fish abundance following dredging projects, especially those that expose glacial sands and cobbles to the tidal fluctuations. Such areas have been shown to carry a limited, cool ground water oxygen reserve for the smallest winter flounder. Dredging removes acidic compost and by doing so, reverses soil acidity. Post-dredging surveys of sands rinsed of organic acids often show increased sets of bivalves (temperature dependent Galtsoff 1964). Bays and coves with reduced flushing often show the build-up of sulfurous mucks and soils. We need to look at dredging in a new light, not always the negative but a process that could turn back the habitat “clock” for some fish and shellfish species., reduce the build-up of nitrogen, and shorten periods of anoxic conditions in coves, bays and sounds.

The 1870s and 1950s were two periods of cold winters and numerous storms (increased energy pathways). Reports from fishers frequently mentioned the presence of firm harbor bottoms and a firm sand/estuarine bivalve shell matrix which soon became a dominant habitat type. Organic matter banking and nitrogen enrichment of composting material did not occur. It simply was washed away by storms and the oxygen sufficient, bacterial reduction processes. This was not the case during The Great Heat, a cycle of increased heat and few storms that occurred from 1880 to 1920. That period resembles almost precisely the period from 1974 to 2004. Historical



fish and shellfish records make mention of increased smells from marshes (rotten egg and methane smells) and changes in bay and cove bottom firmness (habitat types). Numerous accounts from Cape Cod to New York's Peconic Bay Long Island Sound, Rhode Island and Connecticut refer to deep accumulations of organic matter, a black, jelly-like material that seemed to increase in depth. This increase can be quite rapid and can take the public by surprise as mentioned by H.B.N. Hynes in his 1971 book *The Biology of Polluted Waters* from his studies of lakes.

“It appears that about half the nitrogen is built up into organic matter in these lakes and that there is also adequate phosphate for this enormous amount of plant growth, the wet weight of which would be at least 100 times as much as the amount of nitrogen used. Even if nutrient salts are added while still bound up in organic matter they become rapidly available for algal growth (Flaigg and Reid, 1954; Ohle, 1955), so it makes little difference if they are added as purified or unpurified effluents, although of course ordinary biological treatment does remove some saline nitrogen and phosphate by sedimentation. Ohle (1955) states the raw sewage sometimes contains as much as 15 mg/1 of phosphate phosphorus, but treated effluents contain usually only 2-4mg/1. although as much as 6-8 mg./1. may remain.

In a recent study of a large lake near Copenhagen (Berg et al., 1958) it has been calculated that, because of pollution, about 24 tons of saline nitrogen and 4 tons of saline phosphorus enter the water each year, and that this represents about 12 per cent of the total amount used by the plankton. Moreover very little of this nitrogen and phosphorus leaves the lake via the outflow, the calculated amount being about 3 1/2 tons of nitrogen and 200 lb of phosphorus. This emphasizes the fact that lakes are very efficient traps of fertility, and that even slight pollution is likely to cause a rapid increase in the rate of ageing.

Unfortunately the change seems to be irreversible – once a lake has become eutrophic it remains so, at any rate for a very long time, even if the source of extra nutrients is cut off (Hasler, 1947). Another unfortunate feature is that the onset of extreme eutrophy appears to be a rather sudden feature in lake development, which takes only a few years to become manifest. Its appearance therefore tends to take the general public by surprise.”

This change in habitat type, from hard to soft, was noted as declining or degraded habitat conditions for bay scallops, hard clams, oysters and winter flounder, while increasing habitat conditions for the blue crab, green crab and soft shell clams. However, in areas with slow tidal movement or poor “flushing,” large fish and shellfish kills were reported, signalling extended periods of oxygen deficiency or anoxia. This cycle seems to reverse physical habitat characteristics but also chemical/bacterial ones as well. It is known that the movement by storms or dredging of deep organic accumulations into oxygen sufficient waters lowers the populations of sulfate-reducing bacteria and the oxygen-reducing bacteria soon increase.

In dredged material disposal sites that have good tidal exchanges, waves, currents and tides (energy pathways), organic matter quickly reenters the marine food web, it is fish food. However, such deposits in oxygen-poor waters contribute to the production of ammonium ions,

making nitrogen subject to the same energy and temperature cycles creating a direct habitat quality link. This link introduces a weakness in the nitrogen abatement models in many estuaries today as its primary focus is upon human nitrogen inputs while minimizing the role of organic source nitrogen.

One of the largest problems with the use of nitrogen as a marine pollution indicator is that is also is subject in the marine realm to wide swings of temperature and energy, the key factor being oxygen. Nitrogen compounds entering Long Island Sounds as dissolved organics generally are not subject to the nitrogen-sulfur reduction process, a huge distinction in times of few storms and high heat.

Most of the nitrogen cycle information is based upon the terrestrial model. In this model, bacteria in the presence of oxygen (our atmosphere) converts ammonia ( $\text{NH}_3$ ) to an ammonium ion ( $\text{NH}_4$ ) which then undergoes a further process converting nitrite ( $\text{NO}_2$ ) to nitrate ( $\text{NO}_3$ ), a plant nutrient.

In the presence of oxygen and adequate mixing (high energy), the bacterial, nitrogen-fixing process favors ammonium ion in water while supporting two types of bacteria, nitrifying and denitrifying bacteria which as end products release nitrogen gas into the atmosphere and available nitrate compounds.

However, in oxygen-limited waters, especially during periods of high heat and insufficient mixing (low energy), another nitrogen pathway exists, mostly in waters that are warm and receive large amounts of organic rain (sometimes referred to as marine snow). In this case, high amounts of crushed wood debris, leaves and stems found on street surfaces enter water bodies as an organic slurry during heavy rains. In some organic, high sulfur mucks, 50% of the material can consist of leaves and stems (personal observations). In commercial and recreational shellfishermen accounts, this material is called “oatmeal,” and in some cove and bay bottoms, can be feet deep and brown in color. West of the Guilford, Connecticut region, this “oatmeal” at times can contain fragments of stem material from phragmites species. It is this “oatmeal” that during high heat stimulates the sulfur-reducing bacteria in the absence of oxygen. Its reappearance in coastal waters is attributed to these factors.

- 1) Organic inputs such as leaves, woody debris and dead grasses from poor watershed practices can overwhelm coastal reduction processes.
- 2) This detrital debris is not washed from poorly flushed areas due to reduced energy pathways tidal restrictions and actually accumulates in high heat periods.
- 3) High heat reduces the availability of oxygen to complete the nitrogen cycle, favoring a nitrogen-sulfur reduction process.

It is this organic material that “cooks” in the marine environment and is most damaging to coastal marine habitats. While dissolved nitrogen compounds can move with the tides be attenuated (often before reaching Long Island Sound) impacts should be seasonally adjusted for temperature. Cold winter temperatures drive the reduction processes back to oxygen bacterial from sulfur bacterial processes. Colder water contains more oxygen; that is why some fishers’ accounts mention several feel of “oatmeal” in the fall only to return in the spring to see this

material absent. (It was reduced and moved by winter storms.) These accounts also mention that when an area is dredged, the remaining sulfide rich organic matter seems to “melt away.”

When examining the habitat quality factors, organic matter nitrogen is 50 to 100 times more damaging than dissolved nitrogen compounds or “people nitrogen.” It is known that sulfur-reduction processes can lower ambient pH, produces sulfuric acids that can destroy concrete bridge abutments, can lower the pH in marine soils thus preventing bivalve (shellfish) sets, can drive oxygen levels lower, and can sustain longer periods of anoxic conditions. In the 1950s, during a period of colder temperatures and incredible energy (large number of storms), Long Island Sound was at times, found to have nitrogen limited and anoxic conditions were few and of short duration.

Finally, one of the largest habitat factors identified to date is that marine organic compost tends to produce ammonium, an ion that is needed by harmful algal blooms (HABs). That is why HABs are often occur late in the summer and are densest in poorly flushed bays and coves where ammonium ion concentrations can reach high levels. High ammonium levels are needed to quickly sustain such large and intense “blooms.” HABs during the 1950s, were practically unknown to Long Island Sound waters and New York bays.

Hydrogen sulfide reduction is easily seen in the marine environment, the color of salt marsh banks, the infamous odors of black, partially reduced mucks, Even the reduction of sulfate ions ( $\text{SO}_4$ ) can be seen by the casual beach walker; it is responsible for the blackening of the undersides of beach cobblestones sealed from the oxygen above and when turned over has a black stain.

The reduction of organic matter by sulfur-reducing bacteria is extremely slow, much slower than oxygen-reducing bacteria. That is why terrestrial composters will regularly “turn” compost piles to mix them with air/oxygen. In the marine environment, high sulfide levels contribute to low pH soils and can degrade habitat quality for both fish and shellfish. Nitrogen compounds are banked as mentioned previously into this black material rich in metal sulfides.

$\text{SO}_4$  plus sulfate-reducing bacteria plus organic matter yields  $\text{H}_2\text{S}$  gases (rotten egg smell)

The sulfate-reducing bacteria and sulfur-reducing groups only tells part of the story, anaerobic bacteria break down (reduce) some of the phosphorus and nitrogen compounds locked away in plant tissue, especially leaves (due to the increase in forest canopy). While nitrogen is “fluid,” (aqueous) it can quickly travel taken by tides and currents to oxygen sufficient areas. Organic matter however, does not share this mobility; when it reaches estuaries, it tends to collect in bays and coves, poorly flushed areas. Fishermen in eastern Connecticut in the early 1980s complained bitterly to state officials claiming a “Tampa Bay effect” by the shore/coastal railway that bisected many eastern Connecticut coves. With tidal exchange reduced, residents, many of whom were shell and fin fishers, noticed a build-up of sulfurous muck in areas that once contained many shellfish and finfish species. In some cases, three feet or more covered oyster beds. (Visel, DeGoursey, Auster 1990) This material, organic matter or marine compost, “cooks” or reduces in high heat. Anaerobic bacteria with organic matter produces a nitrous oxide, a gas, and results in the brown coloration of material. However, in high heat, this material can turn black signifying high sulfate levels and decomposes into sapropel, a blue/black substance rich in

hydrogen sulfide and methane. These are the gas bubbles that can be seen rising from these deposits, especially in Hamburg Cove, Lyme, and Middle and North Coves in Essex, Connecticut. On a spring day, when the water is very cool and clear, you can watch these gases venting from these soft sticky deposits. These areas are usually devoid of fish life with the little benthic relief. Look for this sapropel in Connecticut's poorly flushed coves or those with severe today restrictions which acts more like a dam and lake conditions described in the front of this report.

Thus, in terms of nitrogen residence time or bank, these reserves of nitrogen containing compounds can last for decades or centuries depending upon temperatures and energy levels. That is why linking the reduction of human nitrogen inputs to a return of fish and shellfish species is somewhat misleading, or false if not indexed for temperature or energy levels. When the two nitrogen reduced pathways are compared, the sulfur pathway is much more damaging to marine ecosystems and largely out of our control (temperature). However, we can alter the energy pathways; that is where dredging comes in. It is just moved from oxygen in sufficient to oxygen sufficient areas such as dredge material disposal sites. While organic nitrogen enters water columns in two forms, ammonia oxygen-reduced suitable for broadleaf plants and ammonium from bacterial denitrification. It is the ammonium ion that is quickly utilized by the brown algal species. In high heat and low energy conditions, high concentrations of the ammonium ions can sustain damaging HABs, harmful algae blooms as the bay scallop fishermen in eastern Long Island will recall in the 1990s. Extreme heat and low oxygen altered the dynamics of the nitrogen cycle, blocked to some extent by the rates of nitrifying bacteria nitrosomonas and the opening the sulfur-reduction process to lower pH and facilitating anaerobic bacterial processes, thereby increasing the proportion of ammonium to ammonia levels. In other words, the "nitrogen problem" is not so much an input problem but one related to climate and temperature. Therefore, historically the brown algae species did so well in the 1880-1920 hot period and the 1990s and why blue-green algae predominated during the colder and more energy prevalent 1870s and 1950s.

During cold periods – human inorganic nitrogen inputs (ammonia) have more impacts than terrestrial sources. In times of great heat however the "banking" impacts of nitrogen phosphorous containing (leaves woody, debris, dead grass vegetation) make human aqueous nitrogen (easily moved by tides and currents) inputs appear minor in comparison. Thus dredging can reduce the amount of extent of low pH sulfide rich accumulations and increase ambient oxygen levels necessary for aerobic bacterial respiration of organics similar to the process in modern wastewater treatment plants.

Dredging marine areas can speed the recovery of nutrient enhanced environment (such as what currently happens with lakes and ponds) as many studies today link nutrient enhancement to diminished social and economic values. Maintaining suitable open water disposal areas is key to allowing this process to happen. Closing the dredge disposal sites is the equivalent of closing composting facilities. Only here the component is fish food.

Having one or more active dredged material disposal sites will not only continue the critical economic benefits from maritime commerce, the boating and navigation interests (marinas) including jobs and related dependent businesses but can help remove banked nitrogen.

## Summary –

The principal harm to Long Island Sound's Fisheries – the ones that presently have value is a lack of energy and an increase in temperatures. The principal harm to Connecticut near coastal habitats has been the increase in paved surfaces and the tremendous increase in Connecticut's forest cover – leaves as organic matter inputs. In cycles of high heat and low energy tidal flushing in coves, bays and lower rivers depths are reduced. Organic matter collects lessens estuarine pH and becomes a composting high sulfur habitat. Acidic high sulfur environments are some of the most damaging to oxygen dependent species.

To maintain energy pathways and maintain navigation during this warm climate cycle it is essential that dredged material disposal sites remain open. In fact to handle organic debris (leaves, wood, rot, etc) other sites should be created. Increasing hydraulic capacity such as man made salt ponds deepening salt water access could in fact reduce hydraulic stress – flooding during severe storms. It could also add habitat refugia for the blue crab whose populations now cling to a predator free habitat zone in dredged marina basins and channels presently.

Dredging marine composts to enhance habitat quality may have a precedent, in New York late 1970s, conversations with Peconic Bay Fishers years ago told of dredging accumulated duck farm feces from coves. I plan to investigate this incident later this spring. It was the small boat commercial fishers (baymen) from Great South Bay and Peconic Bay, New York, The South County Rhode Island Salt Ponds, Pleasant Bay on Cape Cod and Niantic Bay in Connecticut were the first ones and report the build up of sapropel – the hydrogen sulfide mucks. This build up continues along Connecticut's coves and river systems. Some of the deepest deposits I have observed in recent years has been Hamburg Cove – Lyme and North, Middle and South Coves in Essex. Middle Cove Essex has most likely 8 to 10 feet, Hamburg 12 to 15 feet (mostly leaves) North Cove Old Saybrook has a dredged mooring basin which sapropel is removed and has become an important habitat refuge for the blue crab. The gas venting from sapropel in Middle Cove Essex in spring is the heaviest I have ever observed.

It is important to keep disposal sites open for the boating industry but also to investigate habitat mitigation and nitrogen reduction projects. Dredging can be a nitrogen reduction and habitat restoring activity.

I hope these comments will be a help to the EPA Scoping Document process as a supplemental impact statement.

Comments submitted to Alicia Morrison – Grimaldi  
Ocean and Coast Protection  
Environmental Protection Agency Region I  
Boston, MA

This comments and views are my own reflection of four decades of working with the boating and fishing industries. They did not reflect the view or position of either the Citizen's Advisory Comment or Habitat Restoration Working Group of the EPA Long Island Sound Study of which I presently belong.

By Timothy Visel

Ivoryton, CT

For printed quotations

The biology of polluted waters by H.B.N. Hynes Professor of Biology – University of Waterloo, Ontario, Canada with introduction by F.T.K. Chief Inspector of Salmon and Freshwater Fisheries Ministry of Agriculture Fisheries and Food, London England - University of Toronto Press 1971.

## Appendixes

### Appendix (1)

The Impact of Energy – Tidal Exchange as Referenced by Inlet Width and Hard Shell Clam Production NOAA Publication (Marine Fisheries Review Vol 64, No. 2, Clyde L. MacKenzie, Jr., et al 2002.

### Appendix (2)

Sapropel Buildup North of the Pattaquansett River Railroad Bridge East Lyme, CT USA  
Published Abstract April 5, 1990 – Visel – DeGoursey – Auster, University of Connecticut.

Appendix (3)

Sapropel Buildup Middle and North Basins Poquonnock River – above Railroad Crossing –  
Report to the Groton Shellfish Commission – Tim Visel, June 1985.

Appendix (4)

The Consequences Of Insufficient, Tidal Flushing – 1974  
Tidal Wetlands of Connecticut, Niering/Warren, Steever

## **Marine Fisheries**

**Review            Vol. 64, No. 2**  
**2002**

Excerpt by:

Clyde L. MacKenzie, Jr., Allan Morrison, David L. Taylor, Victor G. Burrell, Jr.,  
William S. Arnold, and Armando T. Wakida-Kusunoki

### **Quahogs in Eastern North America; Part 1, Biology, Ecology, and Historical Uses**

Page 8    Large Bay and Ocean Water Exchange Attributes

In the northeastern United States from Massachusetts through New Jersey, the bays that have a large exchange of their waters with ocean waters now have relatively large stocks of northern quahogs, while those with poor

exchanges have small quahog stocks. The areas with large exchange are Buzzards Bay, mass.; Greenwich Bay and Point Judith Pond, R.I.; Long Island Sound, Conn.; and Raritan Bay, N.Y. and N.J.. The bays where the exchange is poor are Great South Bay, N.Y., and New Jersey's coastal bays (Barnegat bay, Little Egg Harbor, and Great Bay). The water in the zones of Great South Bay farthest from the bay inlets exchanges with ocean water only once every several weeks (Nuzzi).

Great South Bay once had large stocks of quahogs, McHugh (1991) reported the opening of an inlet between the Atlantic Ocean and Moriches Bay (which connects with Great South Bay) on Long Island, N.Y., made by a hurricane in 1931, led to a large increase in salinity in Great South Bay. The higher salinity allowed oyster drills to increase in abundance and activity, and they substantially reduced the numbers of remaining oyster (MSX might have also been responsible, (Usinger), but dense quahog sets occurred throughout the bay and a substantial quahog fishery developed. Moriches Inlet eventually closed, but a hurricane in 1953 reopened it. By 1957 it began to close again. In 1958 it was widened and deepened by dredging and subsequently protected by a seawall. Jeffrey Kassner believes this 1958 opening may have set the environmental state for the boom in quahog production in Great South Bay in the 1960's and 1970's.

Ingersoll (1877), who surveyed the mollusk fisheries in 1877-78, reported that Barnegat Bay was called "Clam Bay" and yielded 150,000 bushels of quahogs/year. The area now yields barely 1,000 bushels of quahogs/year. Charts from 1878 (Woolman and Rose, 1878) and 1997 (NOAA Nautical chart 12324) show the amount of housing on the shores, the bay itself, the location of Barnegat lighthouse (wide, open arrows on both charts), and widths of the inlets (Fig.12). Little housing is shown in the 1878 chart, but a considerable amount of housing is suggested by the canalization of the shorelines shown in the 1997 chart (houses crowd the shores of all canals). The buildup of housing took place in the 1960's and 1970's (Collins and Russell, 1988). The width of Barnegat Inlet in 1878 was 4 times its width in 1997. There likely was considerable exchange of bay and ocean waters and little eutrophication of bay waters in the 1870's. This contrasts with limited water exchange and considerable eutrophication of bay waters in the late 1990's.

Inlets that have been opened by hurricanes seem to have had beneficial effects on quahog populations in North Carolina. Chestnut (1951) stated an increased quahog abundance in northern Core Sound during the mid-1930's appeared to be associated with the opening of Drum Inlet by a 1933 hurricane. Godwin et al, (1971) reported a similar occurrence related to Hurricane Hazel in 1954. Hurricanes do not exert negative effects on quahogs in North Carolina, although the closing of an inlet by a storm has a negative effect. When any North Carolina inlets closed, nearby quahog stocks declined (Taylor, 1995).

## **Reduced Oyster Recruitment in a River With Restricted Tidal Flushing**

**Timothy C. Visel**

**Sea Grant Marine Advisory Program**

**The University of Connecticut at Avery Point, Groton, CT 06340**

**Robert E. DeGoursey, Marine Sciences Institute**

**The University of Connecticut at Avery Point, Groton, CT 06340**



**Peter J. Auster, National Undersea Research Center**

**The University of Connecticut at Avery Point, Groton, CT 06340**

The Pataguanset River in East Lyme, Connecticut, historically supported a natural oyster bed that has recently declined in productivity. A series of surveys of the river (1985-1988) identified one natural bed comprised of large adult oysters (10 cm to 18.7 cm shell ht.) and few juveniles (<4.6 cm shell ht). The reintroduction of an oyster fishery would quickly deplete this resource without substantial recruitment of seed oysters. Three attempts to restore the oyster setting capacity of the bed by cultch planting and shell base cultivation were unsuccessful. No new seed oysters were observed. Direct underwater observations confirmed heavy silting of newly planted shell cultch, preventing the setting of oysters. Further examination of the lower Pataguanset River near a railroad causeway revealed a historic oyster bed buried under approximately 1 meter of organic sediment. The construction of the railroad causeway reduced the overall width of the river from over 1,000 meters to approximately 15 meters. Effects of the causeway including increased siltation and reduced salinities due to restricted tidal flushing, have negatively impacted the population dynamics of the natural beds. Ideally, tidal flow should be restored. However, management under the current hydrologic regime should include hydraulic cultivation and intensive shell base maintenance in order to enhance oyster productivity.

National Shellfisheries Association, Williamburg, Virginia Abstracts, 1990 Annual Meeting, April 5, 1990 – pg 459.

The Day, New London, Conn., Wednesday, June 12, 1985

## **Specialist warns agency of 'black mayonnaise' threat**

By William Hanrahan  
Day Staff Writer

GROTON – they call it black mayonnaise – it's the murk and muck, sometimes several feet deep, that collects on river bottoms. It's also the stuff stifling the area's oyster crops, according to an expert.

Addressing the town's Shellfish Commission Tuesday night, Timothy c. Visel, a marine resource specialist for the University of Connecticut, said the build-up of debris in shellfish area's can weaken or eliminate growth.

Working in waters off Old Saybrook, Clinton and Madison, Visel said production of oysters there has more than quadrupled thanks to clean-up efforts during the past three years.

"There seems to be a trend that our rivers are filling up with black mayonnaise," he said. "We have seen a dramatic increase in river life as the dead stuff is removed."

The accumulation of debris occurs in waters with poor circulation. "We get so many nutrients going into these sluggish coves without a lot of circulation," Visel said. "This causes a build-up and no oxygen gets down in the water."

**Visel said removing debris not only enhances oyster growth, but has increased the presence of a number of other fish, including flounder.**

Visel said Connecticut used to be a leader in oystering about 100 years ago, with local areas such as the Poquonnock River as prominent beds. More than 100 oyster companies on Cape Cod used to rely on seed oysters from Connecticut which were brought there to mature.

Production dwindled to almost nothing as waters became polluted, he said. A clean water act in the late 1960's helped rekindle the industry during the 1970's, but things are still not what they used to be.

Removing black mayonnaise helps oysters and other life forms grow and even cultivate in areas previously devoid of life.

"About 1500 bushels came out of Old Saybrook last year and no shells were put in the water," he said. Visel said areas where mud is a problem often smell bad or show a white, milky substance floating on the water. Commission members said they had seen signs of this in town waters.

Debris can be removed from river and cove bottoms with oyster dredges, Visel said. By stirring up the mud at high tide, the debris is able to flow out of the area when the tide changes.

Debris can consist of decaying leaves, sticks, logs, garbage and nutrients which build up in the water. Visel said water jets also have been effective in removing mud

The commission plans to study the information presented by Visel before considering possible action.

## **TIDAL WETLANDS OF CONNECTICUT**

**By William A. Niering and R. Scott Warren**

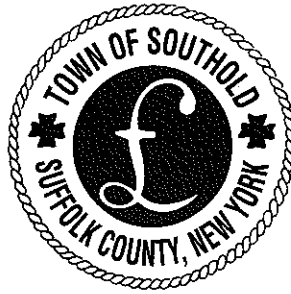
**Forward by E. Zell Steever**

**January 1974**

Environmental Impacts – Estuaries, Page 55—“Historically, causeways represent one of the first major impacts of man, realizing that mowing and firing of the marshes were probably practiced long before the construction of railroads and highways. Of the 127 systems studied, 119 (or 94 percent) had their drainage patterns interrupted by one or more causeways. A major rail line, Amtrak, crosses many of the marshes. However, town and state roads represent the major impacts. Although bridges or culverts are present, many are inadequate to accommodate natural tidal flushing. In fact, many of these causeways have either reduced the productivity of the marshes behind them (Milford Harbor) or have resulted in replacement of salt marsh species by *Phragmites*. In contrast, at Oyster River, Milford, a lobe of marsh cut off from the main system by a causeway except for a narrow bridge has been almost converted from patens high marsh to alterniflora. This change in species composition has been documented from cores of the underlying peat. It is of interest to note that the pile driven wooden bridge on Canfield Island Creek (Shorehaven Norwalk, west part) which permits full tidal exchange is reflected in a highly valuable marsh system.”

## **Written Comments 9**

**SCOTT A. RUSSELL**  
SUPERVISOR



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**OFFICE OF THE SUPERVISOR**  
TOWN OF SOUTHOLD

January 30, 2013

Ms. Jean Brochi,  
U.S. EPA, Region 1, 5 Post Office Square, Suite 100, OEP06-1,  
Boston, MA 02109-3912

Re: Notice Of Intent To Prepare A Supplemental Environmental Impact Statement (Seis) To Evaluate The Potential Designation Of One Or More Ocean Dredged Material Disposal Sites (OdmDs) To Serve The Eastern Long Island Sound Region (Connecticut, New York, And Rhode Island).

Dear Ms. Brochi,

The Town of Southold Town Board is submitting the following comments and questions in response to the "Notice of Intent: Designation of an Ocean Dredged Material Disposal Site (ODMDS) in Eastern Long Island Sound; Connecticut, New York, and Rhode Island".

It is the Town Boards understanding that a Supplemental Environmental Impact Statement (SEIS) is being prepared to evaluate the two current sites used in eastern Long Island Sound (known as Cornfield Shoals and New London) as well as other sites for, and means of, disposal and management, including the no action alternative. The SEIS supplements the FEIS prepared in 2004. The SEIS will support the EPA's final decision on whether one or more dredged material disposal sites will be designated under the Marine Protection, Research, and Sanctuaries Act (MPRSA). It is also our understanding that the disposal in Long Island Sound of dredged material from Federal projects or from non-Federal projects involving more than 25,000 cubic yards of material, must satisfy the requirements of both CWA § 404 and the MPRSA. Disposal from non-Federal projects involving less than 25,000 cubic yards of material, however, is subject only to CWA § 404.

Finally, the SEIS will include analysis applying the five general and eleven specific site selection criteria for designating ocean disposal sites presented in 40 CFR 228.5 and 228.6, respectively. The Southold Town Board comments and questions are underlined below. Each comment/question is stated under a recitation of the pertinent regulation. General comments follow.

## **Title 40 - Protection of Environment**

§ 228.5 General criteria for the selection of sites.

*(a) The dumping of materials into the ocean will be permitted only at sites or in areas selected to minimize the interference of disposal activities with other activities in the marine environment, particularly avoiding areas of existing fisheries or shellfisheries, and regions of heavy commercial or recreational navigation.*

### Comments:

In 1987, Congress designated Long Island Sound an *Estuary of National Significance*. Both the Cornfield Shoals and New London are located in the Long Island Sound.

Long Island Sound is one of the most significant coastal areas in the nation, with a 16,000 square mile watershed that traverses all of Connecticut and parts of New York, Massachusetts, New Hampshire, Rhode Island, and Vermont. More than 170 species of finfish can be found in the Sound, including at least 50 species that spawn in the Sound and 21 tropical species that stray into this region on a seasonal basis (LISS).

Post World War II the ecological health of the Sound began to decline. To address the decline, the Long Island Sound Study (LISS) was authorized by Congress in 1985, establishing a collaborative partnership federal, state, interstate, and local government agencies, industries, universities, and community groups to effort to restore and protect the Sound. LISS partners currently work together to implement a Comprehensive Conservation and Management Plan to maintain the health of the ecosystem, restore coastal habitats, and increase public awareness of the Sound. The partners coordinate actions and leverage scarce financial resources to protect an entire ecosystem through the Long Island Futures Fund.

The Long Island Sound Study initiated the Long Island Sound Futures Fund in 2005 through the EPA's Long Island Sound Office and National Fish and Wildlife Foundation (NFWF); to date, the program has invested \$10.5 million in 261 projects in communities surrounding the Sound. With grantee match of \$23 million, the Long Island Sound Futures Fund has generated a total of almost \$33.5 million for projects in Connecticut and New York. (LISS). Note that grantee match usually involves commitments from local municipalities.

Correspondingly, the economy of the Town of Southold is dependent (in part) on fisheries, shellfisheries and recreation in Long Island Sound. The general criterion cited above states that actions will be permitted only in areas that shall "minimize the interference of disposal activities with other activities"

### Questions:

Is the term "minimize" defined or quantified?

Is the term "interference" defined or quantified?

The consideration of disposing of dredge spoil (presumably resulting in adverse impacts to marine waters and species) in the Long Island Sound is counterproductive to the collaborative funding, efforts and progress being made in restoring water quality, fisheries and shellfisheries.

*(b) The locations and boundaries of disposal sites will be so chosen that temporary perturbations in water quality or other environmental conditions during initial mixing caused by disposal operations anywhere within the site can be expected to be reduced to normal ambient seawater levels or to undetectable contaminant concentrations or effects before reaching any beach, shoreline, marine sanctuary, or known geographically limited fishery or shellfishery.*

Questions:

Is the term "temporary" defined or quantified?

Is the term "undetectable contaminant" defined or quantified? Does the parameter assess pre-disposal conditions of dredge materials or only post disposal? Since the areas are located within a *Estuary of National Significance* are the contaminant concentrations standards more restrictive?

**The 40 CFR § 228.6 Specific Criteria for Site Selection follows:**

In the selection of disposal sites, the following factors are considered:

1. *Geographical position, depth of water, bottom topography and distance from coast*

No comment

2. *Location in relation or breeding, spawning, nursery, feeding, or passage areas of living resources in adult or juvenile phases*

Comments:

Multi generation lobstermen have repeatedly expressed their concern for declining populations of Lobster around Fishers Island and mainland Southold. Has a study been conducted in New York State waters that analyzes the declining Lobster populations and dredge disposal events? Is there a correlation?

The report titled Northeast National Estuary Program Coastal Condition published by the Environmental Protection Agency in 2007 found that the overall condition of the Long Island Sound is poor including sediment quality. The report states:

"the sediment quality index for Long Island Sound was rated poor, with 32% of the estuarine area rated poor and 16% of the area rated fair for sediment quality condition. Ten percent (8 sites) of the Sound's estuarine area had sediments that were toxic to amphipods; however, there was little co-occurrence of toxicity and

sediment contamination at the impaired sites, which were grouped in the western and far eastern ends of the Sound. A similar distribution was noted for sites contaminated by moderate and high concentrations of metals and DDT. TOC conditions were not well characterized for Long Island Sound because data were unavailable for two-thirds of the LISS estuarine area."

The report concludes that: "The overall condition of Long Island Sound is rated poor based on the four NCA indices of estuarine condition. Based on LISS findings, the most significant environmental priorities in Long Island Sound are low dissolved oxygen levels in bottom waters (hypoxia); pathogen contamination in swimming waters and shellfish-harvesting areas; declines in finfish and commercial shellfish populations; loss of coastal habitat; and increases in floatable debris. Since 1991, there has been a reduction in overall nitrogen loadings to the Sound, as well as in inputs from point sources. Upgrades to municipal STPs have had a major impact on reducing nitrogen discharges from coastal and tributary sources. Construction of pump-out stations has helped to reduce discharges of vessel sewage and the levels of pathogens in near-coastal areas of Long Island Sound. Protection of oyster beds and the lobster population is still an extremely critical priority for the economic viability of the fishing industry in Long Island Sound"

Questions:

Is there an updated report?

Has a correlation been made between the disposal of dredge spoil and declining finfish and commercial shellfish populations?

The conclusion stated that protection of oyster beds and lobster population is an "extremely critical priority". The EIS was completed in 2004, since the completion, has a comprehensive long-term study been conducted around Fishers Island to determine what affects (if any) the disposal of dredge spoil had on lobster populations? How does the disposal of dredge spoil protect the lobster populations?

3. *Location in relation to beaches and other amenity areas;*

Questions:

What is the physical distance between the Cornfield Shoals and New London sites and the Town of Southold land mass, including outlying islands? What are the dispersal patterns of the sediment in the water column based upon, tides and currents and prevailing winds? Has this been modeled?

4. *Types and quantities of wastes proposed to be disposed of, and proposed methods of release, including methods of packing the waste, if any*



Comments:

The EIS indicates that a dredging needs assessment was completed in 2001, and projected future dredged material quantities from the western and central regions were estimated, based on contact with 555 navigation-dependent facilities (146 responded). This type of assessment seems very subjective and could have been influenced by perceived needs, not factual (Evidence of deposition, shoaling at inlets etc). Was a follow up study (including bathymetry) of areas identified conducted to verify the needs assessment?

Questions:

Has an updated dredge needs assessment been conducted?

Why is Mattituck Creek (which contains a federal anchorage) missing from the dredge needs assessment? If there was not a respondent to the assessment, was a water body excluded?

Is all dredge material tested for contaminants? If contaminants are found is there an alternative plan (upland) for disposal?

Why would the dredge needs assessment study include sourcing material from private (non-federal projects) e.g. marinas and propose disposal of the material in public waters?

5. *Feasibility of surveillance and monitoring*

Comments:

The 2004 DEIS states that “ For each designated disposal site, EPA and the Corps must develop a site management plan that includes a baseline assessment of conditions of the site, a program for monitoring the site, special management conditions or practices to be implemented at the site to protect the environment, consideration of the quantity of material to be disposed of at the site and the presence of contaminants in the material, consideration of the anticipated use of the site over the long term, and a schedule for review and revision of the plan (33 U.S.C. § 1412(c)(3)). A designated disposal site may not be used until a site management plan has been developed for the site (33 U.S.C. § 1412(c)(4)). ”

Question:

Has a site management plan been developed for Cornfield Shoals and the New London site? If not, has disposal of material commenced without such a plan?

6. *Dispersal, horizontal transport and vertical mixing characteristics of the area, including prevailing current direction and velocity, if any*

See question above.

7. *Existence and effects of current and previous discharges and dumping in the area (including cumulative effects).*

Questions:

Is the term “area” defined or quantified?

Will the assessment discuss positive and negative economic impacts? Cumulative effects should include multi-year studies on the impacts (if any) on marine species located with the Long Island Sound. A link to potential economic impacts to fisheries and shellfisheries should also be included.

8. *Interference with shipping, fishing, recreation, mineral extraction, desalination, fish and shellfish culture, areas of special scientific importance and other legitimate uses of the ocean,*

Question:

Is the term “interference” defined or quantified?

9. *The existing water quality and ecology of the site as determined by available data or by trend assessment or baseline surveys,*

Questions:

Is the term “site” defined or quantified? If the analysis is limited to a defined “site” that is in close proximity to the disposal “site” such an assessment would exclude impacts to surrounding ecology found in outlying areas.

Have trend assessments been conducted for the Cornfield Shoals and/or New London sites?

Comments:

Note that the NYSDEC regulates storm water discharges in the Town of Southold under the New York State Pollutant Discharge Elimination System (“SPDES”) Permit for Discharges from Municipal Separate Storm Sewer Systems (“MS4s”) GP-0-010-002 (“MS4 Permit”). The MS4 General Permit regulations establish a number of required planning, legislative and implementation actions that the Town must complete by 2015. The program is designed to reduce overall pollutant loads to waterbodies. The MS4 Permit requires that the Town accomplish these efforts based on six Minimum Control Measures, which include: public education and outreach, public involvement, illicit discharge detection and

elimination, construction site stormwater control, post construction stormwater management and pollution prevention for municipal operations.

It seems to be a conflict that the Federal agencies whom developed the MS4 Permit would consider allowing the discharge of dredge material into a *Estuary of National Significance* when Southold Town is expending significant resources to comply with the above mandated regulations to lessen impacts to water quality.

How does the MS4 Permit goals and objectives support the proposed action?

10. *Potentiality for the development or recruitment of nuisance species in the disposal site*

No Comment

11. *Existence at or in close proximity to the site of any significant natural or cultural features of historical importance.*

Comment:

As discussed below the Long Island Sound is a *Estuary of National Significance* and the plan to continue to dispose of dredge material in the water body conflicts with the designation, purpose and effort to restore the estuary.

Question:

Has or will the proposal be assessed to the Town of Southold Local Waterfront Revitalization Program? Specifically:

### **NATURAL COAST POLICIES**

Policy 5      Protect and improve water quality and supply in the Town of Southold.

Policy 6      Protect and restore the quality and function of the Town of Southold's ecosystem.

Policy 8      Minimize environmental degradation in the Town of Southold from solid waste and hazardous substances and wastes.

Policy 11     Promote sustainable use of living marine resources in the Town of Southold.

General Comments

The Sixth Annual Report Regarding Progress in Developing a Dredged Material Management Plan for the Long Island Sound Region For the Period July 6, 2010 – July 5, 2011 indicates that from 2009 to 2011, 0 cy of dredged material was deposited on the New London Site and 245,495 cy at Cornfield Shoals (all from private projects in 2012).

If both sites are approved for disposal, what are the projected amounts to be disposed in the locations?

What is the process for notifying municipalities that disposal will occur?


The presentation shown on January 9, 2013 at the Suffolk Community College, Culinary Arts Center indicated that dredge spoil from the creeks along the southern shoreline of Southold in the Peconic Bay is included in the needs assessment. Note that 100% of the dredged material is used for beach re-nourishment.

Can you confirm that the dredging needs assessment source slide (sorry we could not locate the slide shown) included a need for disposal from Peconic Bay dredge sites? If so, what method was used to calculate the need?

What does "Redevelopment of Plum Island" mean as a potential disposal site alternative?

The Southold Town Board appreciates the opportunity to comment on the action and looks forward to receiving answers to the above questions.

Sincerely,

  
Scott A Russell  
Supervisor

Cc: Martin Finnegan, Town Attorney  
Jennifer Andaloro, Assistant Town Attorney

## **Written Comments 10**



STATE OF NEW YORK  
**DEPARTMENT OF STATE**  
ONE COMMERCE PLAZA  
99 WASHINGTON AVENUE  
ALBANY, NY 12231-0001

ANDREW M. CUOMO  
GOVERNOR

CESAR A. PERALES  
SECRETARY OF STATE

January 31, 2013

Ms. Jean Brochi  
U.S. EPA, Region 1  
5 Post Office Square, Suite 100  
OEP06-1  
Boston, MA 02109-3912

Re: O-2012-0010 – US EPA Notice of Intent:  
Designation of an Ocean Dredged Material Disposal  
Site (ODMDS) in Eastern Long Island Sound;  
Connecticut, New York, and Rhode Island. Notice  
of Intent to prepare a Supplemental Environmental  
Impact Statement (SEIS) for Eastern Long Island  
Sound (ELIS).

**Scoping Comments**

Dear Ms. Brochi:

In accordance with our responsibilities as a cooperating agency under the National Environmental Policy Act (NEPA), the New York State Department of State (NYS DOS) submits these comments in response to the request of Environmental Protection Agency (EPA) Region 1 for public comments on the scope of a draft Supplemental Environmental Impact Statement (SEIS) for possible designation of one or more dredged material disposal sites in eastern Long Island Sound (ELIS). As a cooperating agency, NYSDOS attended and participated in public scoping meetings held on November 14, 2012 at the University of Connecticut, in Groton, Connecticut and on January 9, 2013 at Suffolk Community College in Riverhead, New York. In submitting these comments, NYSDOS recommends that EPA prepare an SEIS that fully analyzes the need for the action, the wide reaching environmental impacts which could result from designating a site in ELIS to receive dredged sediments and the broad range of alternatives to avoid such a designation.

Title I of the Marine Protection, Research, and Sanctuaries Act (MPRSA) of 1972, referred to as the "Ocean Dumping Act" (33 USC § 1412), authorizes the EPA Administrator to designate sites where ocean disposal may be permitted. In 1980, Congress amended the ODA to subject the dumping of dredged material in Long Island Sound (LIS) by federal agencies, or by private parties dumping more than 25,000 cubic yards of dredged material, to the site selection, site designation and environmental testing criteria of the ODA (33 USC § 1416(f), known as the "Ambro Amendment"). The purpose of the Ambro Amendment was to prevent the further degradation of LIS caused by dredged material disposal in open water. Its runs contrary to the intent of the Ambro Amendment to permanently allow such practices to continue by designating and proliferating disposal sites in LIS. Since its enactment, two sites were provisionally designated in LIS in June 2005, Central Long Island Sound (CLIS) and Western Long Island Sound (WLIS), both of which are subject to the condition that a Dredged Material

Management Plan (DMMP) be completed by June 2013, subject to possible extensions, (40 C.F.R. § 228.15(b)(4) and (5)) or the sites will close.

Over the past three decades, major efforts have been undertaken by government and the general public to improve the environmental quality of LIS and limit the open-water disposal of dredged materials. The need to improve the quality of the LIS ecosystem is chronologically reflected in: the Long Island Sound Regional Study by the New England River Basins Commission in the 1970's; an Interim DMMP in the early 1980's that identified the need to limit dredged materials disposal and develop a comprehensive dredged materials management plan for LIS; Congressional amendments to the federal Ocean Dumping Act limiting the disposal of contaminated materials in the LIS; the LIS's designation as an Estuary of National Significance pursuant to the National Estuary Program and the subsequent undertaking of the Long Island Sound Study; the New York State Long Island Sound Coastal Management Program; development of a Comprehensive Conservation and Management Plan for the LIS; and the pending efforts to develop a DMMP for the Sound with a goal of reducing or eliminating open-water disposal. These reports should serve as a point of reference for the EPA as they reflect the efforts of federal and state agencies over the years to address the controversial subject of open water disposal of sediments.

As outlined in the October 16, 2012 Federal Register notice, the EPA has decided to prepare an SEIS to evaluate two sites in eastern Long Island Sound – Cornfield Shoals Dispersal Site (CSDS) and the New London Disposal Site (NLDS) - as well as other sites for, and means of, disposal and management, including the no action alternative. The SEIS will provide information to enlighten the EPA's final decision on whether one or more dredged material disposal sites will be designated under the MPRSA. The SEIS will include analysis applying the five general and eleven specific site selection criteria for designating ocean disposal sites presented in 40 C.F.R. §§ 228.5 and 228.6, respectively.<sup>1</sup>

Recognizing that several planning efforts are currently underway, NYSDOS requests that in the event that the draft ELIS SEIS is being advanced before completion of the LIS DMMP, the SEIS process should incorporate the goal of “reducing or eliminating open-water disposal” (40 CFR § 228.15(b)(4) and (5)). This ELIS SEIS should incorporate furtherance of this goal as a necessary and distinct criterion when evaluating the suitability for designation of any potential open-water disposal site identified during this process.

### **Background:**

Long Island Sound is a 110-mile-long, semi- enclosed, tidal estuary at the interstate boundaries of New York, Connecticut, and Rhode Island. It is hydrologically connected to the Atlantic Ocean at its eastern end through Block Island Sound, and to New York Harbor at its western end through the East River at Throgg's Neck and the New York City incorporated municipal boundary. As noted by the U.S. Geological Survey, the circulation in Long Island Sound, which is controlled by an east-to-west weakening of tidal-current speeds coupled with the westward-directed estuarine bottom drift, has produced a succession of sedimentary environments. The succession begins with erosion at the narrow eastern entrance to LIS, changes to an extensive area of coarse-grained bed load transport in the east-central Sound, passes into a contiguous band of sediment sorting (where the estuary noticeably widens), and ends with broad areas of fine-grained deposition on the flat basin floor in the central and western LIS.

The geographical region in ELIS that is the subject of this SEIS is referred to as the Zone of Site Feasibility (ZSF) and is included within the boundaries for the draft DMMP ((40 C.F.R. § 228.15(b)(4) and (5)). The eastern basin of LIS includes the area between Six Mile Reef to the west and The

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<sup>1</sup> Federal Register Volume 77, Pages 63312-63313 (October 16, 2012).

Race to the east. Ocean waters flow into the Sound as bottom currents and water leaves the Sound as surface currents through the constricted eastern entrance. Incoming ocean waters upwell along the Connecticut shore and move oceanward via a counterclockwise gyre along the Long Island Shore. At the eastern edge of the Sound, extending approximately 5 to 8 km westward from The Race, there is a large area of erosion or nondeposition, likely caused by a combination of strong tidal currents and a net westward movement of sediments into the estuary.<sup>2</sup> Current speeds in the eastern basin are the strongest observed in LIS.<sup>3</sup> These current velocities have been measured at 62-82 cm/sec and are sufficient to erode silt and sand, and prevent deposition of silt and clay. There is a paucity of silt and clay sized particles in surface sediments (0-25%) in the eastern basin reflecting the high energy current resuspension of fine sediment.

The US Army Corps of Engineer's Disposal Area Monitoring Program (DAMOS) periodically monitors the New London Disposal Site (NLDS) using bathymetric surveys, sediment profile imaging and plan view imaging to verify the locations of disposal mounds, monitor any changes to the mounds, as well as to track the re-colonization of the mounds by benthic communities. A study of a NLDS disposal mound (DAMOS monitoring report #180) was conducted between 2000 and 2006 on mound NL-06 sediment from the time the sediments left the barge until the survey was taken 8 months later. The study revealed that between 35% and 50% of the disposed material was missing and unaccounted for. This absence of material verified that the sediments disposed of at NLDS are transported rapidly and disappear quickly, indicating that sites in eastern Long Island Sound are located in a very unstable, fast moving marine environment, unsuitable for open water disposal.

### **Hydrological and Sedimentary Characteristics of the ELIS and the Zone of Site Feasibility**

- 1) Historical dumping has occurred at 19 open water disposal sites, several of which were located in ELIS. Enormous amounts of often contaminated sediments were disposed there.<sup>4</sup> Scarce data exists evaluating the environmental effects of past disposal activities. Baseline scientific studies must be conducted for the SEIS which detail ambient concentrations of chemical elements and compounds in LIS estuary sediments, particularly in the ZSF, in order to evaluate the impact of further open water disposal.
- 2) The SEIS should then consider evaluating the incremental cumulative effect of each successive dredge disposal event in terms of the increase in concentrations of chemical parameters at the disposal sites as a consequence of past and anticipated future disposal activity at these sites. Examples of incremental impacts that should be evaluated for cumulative effects include elevated tissue concentrations of organic and inorganic (metals) contaminants in lobster and clam and worm tissues and disturbance to benthic habitat and communities as a consequence of disposal activity and the interaction with hypoxia, dredging, weather related impacts, and other discharges into LIS.
- 3) An analysis of the cumulative effects of multiple simultaneous dredging events at all EPA designated sites is essential. Segmentation of the currently designated sites and any additional potential designation would improperly limit the range of review and the consideration of cumulative environmental impacts from past and future dredge material disposal in the Sound.

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<sup>2</sup> ENSR International 2001. Physical Oceanographic Evaluation of Long Island Sound and Block Island Sound. DEIS for the Designation of Dredged Material Disposal Sites in Central and Western Long Island Sound. September 2003. U.S. Environmental Protection Agency, New England Region, Boston, MA. U.S. Army Corps of Engineers, New England Division, Concord, MA. Appendix G1. Section 2.1.2

<sup>3</sup> Long E.E. 1978 Tide and Tidal Current Observations from 1965 through 1967 in Long Island Sound, Block Island Sound and Tributaries. NOS Oceanographic Circulatory Survey Report No. 1:91.

<sup>4</sup> During the years between 1960 and 1980, over 32 million cubic yards of dredged sediment were disposed of in LIS. New England River Basins Commission, Interim Plan for the Disposal of Dredged Material from Long Island Sound p. 3 (1980).



- 4) An anticipated increase in high energy meteorological events, such as hurricanes and Nor'easters, will result in increased storm surge and the re-suspension of material in ELIS. Sea level rise is also expected to increase as a result of climate change impacts affecting the region. The SEIS must include a thorough analysis of the impact that the increased frequency and intensity of the storm surges will have on the deposition or displacement of dredged materials in open-water sites, along with the analysis of the effect of a change in sea level rise on potential changed hydraulics in LIS.
- 5) Any research should demonstrate that the determination of a potential site location will include scientific evidence that the temporary perturbations in water quality or other environmental conditions during initial mixing caused by disposal operations anywhere within the site can be expected to be reduced to normal ambient seawater levels or to undetectable contaminant concentrations or effects before reaching any beach, shoreline, marine sanctuary, or known geographically limited fishery or shellfishery. (40 C.F.R. § 228.5(b)). This analysis is to include the geographical location of the site in relation to prevailing current direction and velocity and tidal cycles, the horizontal transport and vertical mixing characteristics of the area, the depth of the water, bottom topography and distance from New York, Connecticut and Rhode Island coastlines.
- 6) There is a wide range of the volume of historical disposal in ELIS open-water sites. The sizes of any potential site will be limited in order to localize for identification and control any immediate adverse impacts and permit the implementation of effective monitoring and surveillance programs to prevent adverse long-range impacts. The size, configuration, and location of any disposal site will be determined as a part of the disposal site evaluation or designation study. (40 C.F.R. § 228.5(d)).
- 7) The efficacy of capping sediments needs to be further examined as a basis for justification of using open-water disposal in LIS as the peer-reviewed research on long term impacts and effectiveness of subaqueous caps under conditions similar to those found in Long Island Sound is limited or nonexistent,<sup>5</sup> and the primary federal guidelines for subaqueous capping techniques from 1994 and 1998 are aging. Long Island Sound is considered an "urban sea" because of its high volume of human activities and surrounding highly-urbanized coast. It is always the case that, since the contaminated sediment remains in the aquatic environment in perpetuity, contaminants could become exposed or be dispersed over time if the subaqueous cap has enough cumulative cap-disrupting human behavior, such as large boat anchoring, propeller wash, recreational diving, and some types of commercial and recreational fishing gear. Furthermore, currents within the water column can result in contaminant dispersion during cap placement, and bottom currents can generate shear stresses that may potentially erode the cap. The findings of research on long-term risks of subaqueous cap failure are simply inconclusive and inadequate. If the sediments need to be capped, it could be exceeding acceptable levels of contamination for Long Island Sound.
- 8) Another concern for cap failure is the possibility of collapse of cap edges (side slopes) due to earthquakes.<sup>6</sup> Since recent research shows that earthquake activity in the Long Island area is much more common and likely than previously presumed, based on the discovery of several previously unknown regional faults, it is increasingly likely that earthquake activity will contribute to subaqueous cap failure.<sup>7</sup> The frequency and impacts from seismic events occurring in or near LIS needs to be researched and analyzed for effects on the stability of historic and disposal mounds, including capping material, in ELIS.

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<sup>5</sup> See Sharma, H., Reddy, K. 2004. *Geo-Environmental Engineering*, Site Remediation, Waste Containment, and Emerging Waste Management Technologies, p. 941.

<sup>6</sup> See Sharma and Reddy 2004, p. 949.

<sup>7</sup> See Sykes, L., Armbruster, J., Kim, W., and Seeber, L. 2008. Observations and tectonic setting of historic and instrumentally located earthquakes in the greater New York City-Philadelphia area. *Bulletin of the Seismological Society of America*. 98(4):1696-1719.

- 9) The dredged material from the SEAWOLF dredging in 1995 was supposedly disposed of at the New London Disposal Site but a portion of the material has never been fully located and accounted for. This SEIS needs to include the identification and location of the 1995 SEAWOLF sediments that were disposed of in the currently delineated ZSF to understand the cumulative impacts of historical disposals in the ELIS.
- 10) The success of the historical physical containment as sited in DAMOS reports needs to be analyzed and further verified for the entirety of LIS and in light of the inability to locate portions of the material from the 1995 SEAWOLF disposal and the anticipated increase in frequency and intensity of coastal storms in LIS. The ability to accurately and continuously monitor and conduct surveillance of the dispersal of sediment from any potential site is a requirement. (40 C.F.R. § 228.6(a)(5)).

**Biological and chemical concerns regarding both the contamination of dredged sediments and the cumulative impacts of contaminated materials in the LIS ecosystem**

In the past, dredged material disposal events at open water disposal sites within LIS have varied greatly in terms of toxicity and sediments; dredged sediment disposal activities cannot be considered routine or substantially similar in nature. Additional disposal events may well contribute to adverse individual and cumulative impacts in LIS. The following ecological concerns need to be thoroughly examined, addressed, researched and answered:

- 1) LIS has historically had a rich fishery, but in recent years the Sound is increasingly deficient of marine life. It is unclear why this is happening. Before EPA designates disposal sites in the LIS, the cause of the decline in fisheries should be examined and understood, including the location of a potential site in relation to breeding, spawning, nursery, feeding, or passage areas of all living resources in adult or juvenile phases.
- 2) The potential to move and introduce nuisance or invasive species within dredged material and supernatant.
- 3) All baseline surveys in ELIS are to document existing water quality and ecology of the area as determined by available data or by trend assessment or baseline surveys.
- 4) Adding one or more designated disposal sites within ELIS will increase the availability of disposal sites for all dredging projects around the LIS region. The proliferation of designated sites will likely decrease the costs of open-water disposal for dredging projects around LIS due to increased access, proximity and ease of open-water disposal. Decreased costs will likely be accompanied by an increase in dredging activity, resulting greater frequency of disposal activities and potentially, greater volumes of dredged material. The SEIS should include an economic assessment of the impact of proliferation of disposal sites and the resulting increase in dredging activity. This should be considered in terms of anticipated adverse cumulative impacts throughout LIS, impacts on the individual use of a potential site, bioaccumulation of toxins, and in the projection of volumes of dredged material to be disposed.
- 5) In addition, the potential for future harbor deepening projects on the Connecticut coastline to accommodate larger vessels that will now be using the improved Panama Canal must be assessed and included in the potential volumes of material that are anticipated for disposal over the 26 year dredging period contemplated by the ELIS SEIS.
- 6) The ELIS SEIS should include a thorough assessment and evaluation of sediment toxicity in proposed dredging project locations and assess the direct and indirect past, current and future cumulative effects of concentrating these contaminated sediments at the proposed disposal areas. This research should include an analysis of the types and quantities of wastes proposed to be disposed of, and proposed methods of release, (including methods of packing the waste, if any or applicable here) as compared to the ambient sediments.

- 7) There is a need for enhanced testing and study to ensure that the disposal of dredged material pursuant to Ocean Dumping Act toxicity standards “Evaluation of Dredged Material Proposed for Ocean Disposal Testing Manual” (Greenbook) is safe for disposal within the estuary environment of LIS. Study of the biology, chemistry, and hydrology that reflects the unique LIS estuarine environment should be used to evaluate whether the current Greenbook standards are appropriate for LIS. Reference site locations for baseline evaluations and comparisons need to be located outside of an affected area to adequately reflect ambient levels to determine suitability for disposal. It is suggested that the ELIS SEIS should refer to such material as “legally permissible” under the applicable standards, rather than “clean” or “safe”.
- 8) The effects of dredged material disposal at various current and historical locations throughout LIS should be studied using current technology. Items of study should include, but not necessarily be limited to:
  - a. the effect on differing species of transient fish that may pass through, feed, or spawn within the potential sites;
  - b. the effect on the benthic community of repeated disposal activity at the potential sites, considering the frequency and volumes of disposals anticipated;
  - c. the long-term stability of the placement of material disposed at any potential site;
  - d. the cumulative impact on the water quality and health of LIS over the projected 26 year period considering the total volume and chemical composition of the disposal material anticipated; and
  - e. the consumptive and recreational exposure risks for the projected 26 year planning period; and
  - f. potentially using the EPA Region 1 developed Biological Risk Assessment Modeling System, assessments may be made as to the risk of the factors listed above.
- 9) In late summer and fall of 1999, the States of Connecticut and New York began receiving reports from lobster fishers of dead, dying and excessively lethargic lobsters in their catches. By late fall 1999, lobster landings in western LIS are reported to have decreased by as much as 90% to 100% and by 30% in central and ELIS. Using a federal grant through the Long Island Sound Lobster Initiative of the New York and Connecticut Sea Grant, researchers at the University of Connecticut found four chemicals known as alkyl phenols in both lobsters and marine sediments. All four are known endocrine disruptors in vertebrates, which cause changes in hormones controlling basic physiological processes, such as reproduction. All four were found in lobsters from LIS and were shown to affect the endocrine systems of test organisms. Much higher levels of these four endocrine disrupting alkyl phenols were found in the sediments themselves, than in the sampled lobster tissue. The commercial lobster die-off has related socio-economic costs. During the recent die-off, up to 50% of commercial lobster fishers went out of business and many more simply gave up for the season after determining that the effort and operational expense were not justified by the scant harvest of marketable lobster. As recently as 2001, lobster trawls continued to reflect reduced numbers of lobster with the reported landings being the 4<sup>th</sup> lowest in 18 years of survey data (NY-Ct. Sea Grant, Long Island Sound Lobster Initiative, March 2002). New York landings of lobster from the Sound (86% of New York's total lobster catch) have decreased by eight million pounds in the six years from 1996 to 2002 (NOAA's National Marine Fisheries Service, Marine Fisheries Annual Landings Report). The die-off and shell disease occurred soon after 1.2 million cubic yards of sediment contaminated with dioxin and other carcinogens were dumped at the New London Disposal Site in 1996. This disturbing trend has continued, as Lobster Abundance has decreased from an already low 4.28 count per tow in 2001 to 0.38

count per tow in 2011.<sup>8</sup> None of the existing studies on this matter have looked at the possible correlation between contaminants introduced through dredged material disposal and lobster disease (See, for example, Lobster Health News, Spring 2004, Sea Grant, which does not provide reasons for the mortalities and disease). The possible reasons for the continued lobster die-off in LIS need to be exhaustively evaluated as components of the biological and chemical impacts of the cumulative impacts of introducing toxic sediments into LIS.

- 10) The ELIS SEIS should comprehensively analyze the range of parameters that would be affected by designation of disposal sites and dumping activity including, but not limited to:
  - a. physical parameters such as living space (immediate burial of, and benthic changes to, living space), circulation (changed as a result of changes in bathymetry caused by dumped material), turbidity (from the discharge and resuspension of fine sediments during and after initial dumping), morphology, substrate type, and erosion and sedimentation rates as dumped material winnows and is impacted by storms;
  - b. biological parameters such as community structure, food chain relationships, species diversity, predator/prey relationships, population size, mortality rates, reproductive rates, meristic features, behavioral patterns and migratory patterns;
  - c. chemical parameters such as dissolved oxygen (which will be reduced in the water column during dumping activities), carbon dioxide, acidity, dissolved solids (which will increase during dumping activities), nutrients (which will increase during dumping activities), organics (which will be increased during and after dumping activities), and pollutants such as heavy metals, toxics, and hazardous materials (which will be released in the water column during dumping activities and will be present after dumping is completed);
  - d. comparative parameters establishing a justification for the continuing practice of dumping dredged material in Long Island Sound when efforts have been made to discontinue or reduce such activity in the Atlantic Ocean in other EPA Regions;
  - e. use of alternatives which minimize the need for dumping; and
  - f. information that needs to be included in the ELIS SEIS is a full spectrum chemical evaluation and bioaccumulation rates of sediments in the rivers and harbors likely to utilize an eastern site.
- 11) The SEIS must address the source of watershed/upland sediment sources and analyze the infrastructure and programs that currently exist or need to be developed to reduce need for dredging by addressing and eliminating upland sediment sources. This is a regional issue and should involve the states of Massachusetts, New Hampshire and Vermont to address these issues.
- 12) The chemical containment and biological testing of the organisms re-colonizing new mounds of disposed dredged material, as well as those feeding on those communities, needs to be fully evaluated to also determine whether organisms are bringing those contaminants back to the surface or to other locations in LIS. Advancement in the methodology and technology are available to conduct marine field research on dispersion of sediment contaminants via subaquatic vegetation and benthic macroinvertebrates (especially polychaetes) and subsequent bioaccumulation in fish. This research should be done to determine environmental and human health impacts of contaminant dispersal from disposal.
- 13) New York State has numerous designated Significant Coastal Fish and Wildlife Habitats (SCFWH) in LIS as part of its federally-approved CMP. The SEIS needs to consider whether the location of open-water disposal sites and their use may effect a SCFWH (directly or indirectly) and if so, is consistent to the maximum extent practicable with the habitat narrative and habitat impact test for each SCFWH in LIS and the surrounding area.

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<sup>8</sup> See <http://longislandsoundstudy.net/2010/07/lobster-abundance>; see also CTDEEP Long Island Sound Trawl Survey (fall sampling).

- 14) The location and identification of cold water coral habitats and the full range of diverse benthic habitats need to be included in the SEIS.
- 15) The ELIS SEIS process should also identify and consider all state, county, and local initiatives intended to enhance water quality and the environmental health of LIS (or geographical portions thereof) when identifying and vetting the location of potential disposal sites in the ZSF. Such consideration is important to ensure that all investments and interests in water quality, environmental and public health are sufficiently considered, and that any actions taken as a result of the SEIS process to do not negatively impact or otherwise negate the investment of taxpayer or privately funded initiatives intended to improve the LIS, locally, regionally, or as a whole.
- 16) The on-going Marine Spatial Planning efforts of each State needs to be thoroughly evaluated and disposal activities are to have minimal interference with other activities in the marine environment, particularly avoiding areas of existing fisheries or shellfisheries, and regions of heavy commercial or recreational navigation. (40 C.F.R. § 228.5(a)). Prior to any potential designation of any disposal site an analyses of conflicts for commercial uses and planning efforts in the ZSF needs to include:
  - a. bottom trawling areas;
  - b. pots traps locations;
  - c. location of submarine cables;
  - d. location of potential wind energy areas or hydrokinetic areas;
  - e. existence at or in close proximity of any significant natural or cultural features of historical importance;
  - f. recreational sites;
  - g. mineral extraction;
  - h. areas of identified scientific importance;
  - i. commercial aquaculture leases;
  - j. commercial shipping density and lanes; and
  - k. submarine lanes.

**The SEIS is to consider the cumulative impacts of the historical use of other open water disposal sites in LIS**

- 1) The ELIS SEIS must contain an exhaustive accounting of all past, current, and future direct and indirect cumulative impacts on the health and ecology of LIS. Materials produced and discussions at public hearings held on the ELIS SEIS thus far have referenced and identified MPRSA §103 Corps interim sites located in ELIS, in particular, the two sites, New London Disposal Site (NLDS) and Cornfield Shoals (CSDS). Both sites are located partially in New York waters; neither site has ever had a proposed § 103 interim selection submitted to DOS for Federal Consistency review pursuant to CZMA requirements (15 C.F.R. part 930 subpart C); and no accounting for adverse environmental impacts or thorough alternatives analysis to open-water disposal appears to be included within the documentation relied upon in support of the claim that the interim sites were selected in accordance with the requirements of the MPRSA.<sup>9</sup> Further, the adverse environmental impacts, including cumulative impacts, continue to be unaccounted for.

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<sup>9</sup> The U.S. Army Corps of Engineers New England District continues to maintain the position that the § 103 interim site selections for both CSDS and NLDS pre-date New York State's 2006 federally approved routine program change enacting interstate consistency. However, New York State's CMP has been in place since 1982, federal actions within Long Island Sound potentially affecting New York's coastal area have always been subject to Federal Consistency review by New York. The requirement for federal actions to submit a Federal Consistency determination to affected states for its actions has been acknowledged by the US EPA during the 2005 CLIS and WLIS designations. NDLS and CSDS are both partially located within New York's territorial waters thus subjecting them to Federal Consistency review by New York's DOS, water quality certification and other related permits from the New York Department of Environmental Conservation and a potential grant

- 2) The U.S. Army Corps of Engineers' least cost/environmentally acceptable standard is referred to as the 'federal standard', which is defined as "the dredged material disposal alternative or alternatives identified by the Corps which represent the least costly alternatives consistent with sound engineering practices and meeting the environmental standards established by the 404(b)(1) [Clean Water Act] evaluation process or ocean dumping criteria [which includes compliance with MPRSA sections 1412 and 1413, as well as meeting the Federal Consistency requirements in 15 C.F.R. part 930 subparts C and D]." (33 C.F.R. § 335.7). The "federal standard" should not be regarded as an inflexible requirement that disregards that impact of open-water disposal based on cost when the economic impact to the environment is not part of the calculation leading to such a conclusion. The reaching of conclusions to determine a "cost effective" evaluation of a proposed dredging project is a collaborative process between federal, state, and local governments and non-government groups. The use and application of the "federal standard" in LIS needs to be thoroughly evaluated as part of the SEIS to determine compliance with the 33 C.F.R. § 335.7 requirements.
- 3) The U.S. Corps' publication "The Role of the Federal Standard in the Beneficial Use of Dredged Material from U.S. Army Corps of Engineers New and Maintenance Navigation Projects: Beneficial Uses of Dredged Materials" (U.S. Army Corps and EPA, Washington, D.C., EPA publication # EPA842-B-07-002, [October 2007]), evaluates the role of cost-sharing with non-federal partners pursuant to the federal Water Resources Development Act of 1974, as amended (WRDA) for beneficial uses of dredged material in a project exceeding the cost of the "federal standard" option. Such costs may become either a shared federal and non-federal responsibility, or entirely a non-federal responsibility, depending on the type of beneficial use. The cost-sharing provisions of the WRDA for beneficial uses include those that protect, restore, or improve the environment, or contribute to storm damage reduction. A collaborative effort involving U.S. Army Corps, EPA, ports, federal/state/local agencies, environmental interest groups, and other interested stakeholders that thoroughly investigate and analyze all possible WRDS scenarios should be further developed in the SEIS process prior to forging ahead with the identification of yet more open water disposal sites in LIS in addition to the currently two EPA designated: CLIS and WLIS.

**The alternatives analysis, including a no-action alternative, should include a thorough analysis of the biological, chemical, physical, and economical analysis of the following alternatives, which is not to be considered an exhaustive list:**

Before it can designate open-water disposal sites, the EPA Administrator is required to consider: "[A]ppropriate locations and methods of disposal or recycling, including land-based alternatives and the probable impact of requiring use of such alternatives locations or methods upon consideration affecting the public interest." (33 U.S.C. §1412(a)(G); see also 33 U.S.C. §1412(c)(1)). Identifying, studying, and recommending practicable alternatives such as, but not limited to, beneficial reuses, treatment technologies, and available upland or contained alternative disposal sites which are ready to accept dredged material is essential for the development of procedures and standards for the use of such alternatives to function as primary options.

- 1) The EPA should provide a thorough analysis of re-use and upland placement alternatives, including a discussion of available alternatives and the possibility of advancing them, and

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or lease of underwater lands from New York Office of General Services. (See the letter dated December 21, 2012 from Susan L. Watson, General Counsel, NYS Department of State to Jack Karalius, Program Manager, U.S. Army Corps of Engineers, in regards to New York's position on the New England District plan to proceed with a direct federal action for the disposal of 34,000 cubic yards of dredged material from the Patchogue River at CSDS).

should recognize and analyze the range of beneficial uses and current decontamination/remediation technologies.

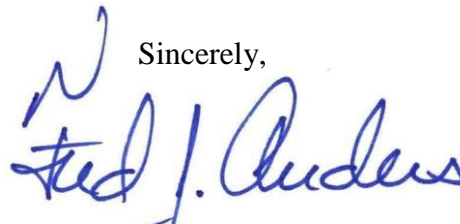
- 2) Examples of alternatives to open-water disposal for both contaminated and uncontaminated dredged material are available and have been used in the LIS region including in New York Harbor, Eastchester Creek, and Hempstead Harbor and should thoroughly be evaluated in a region-wide assessment of potential dredged material management options. Consistent with national coastal zone management objectives, a comparative assessment of alternatives employed by all other EPA Regions may lead to dredged material management that minimizes, or avoids to the maximum extent practicable, adverse effects to coastal uses and resources.
- 3) EPA should provide further evaluation of reusing dredged material for beneficial purposes where such beneficial uses can be applied region-wide, and should not merely defer to the evaluation of alternatives to open-water dumping on a case-by-case, permit-application basis.
- 4) The performance of any cost analyses during the evaluation of alternatives must include a mechanism for incorporating the cost to ecosystem function and services in a manner ensuring that such environmental impacts are adequately considered within the calculation.
- 5) A cost/benefit analysis is required to examine how the LIS region costs for dredged material management compare to all other EPA regions to justify the designation of even more open water disposal sites in LIS. This analysis is to include volume, distance traveled from dredge site to an open-water disposal site, an economic impact analysis to natural resources and the long- and short-term savings associated with beneficial re-use options.
- 6) All applicable state and federal laws should be examined and suggestions for amendments to identified legal to provide for the following alternatives located either in or outside of the ZSF:
  - a. the identification of upland placement of dredged material;
  - b. the identification of nearshore placement sites (potential designation required);
  - c. the identification and use of locations for Confined Aquatic Disposal (CAD) cells;
  - d. the development and use of Confined Disposal Facilities (CDF);
  - e. the location of feasible sites for island creation;
  - f. the location of feasible sites for marsh restoration;
  - g. the use and incorporation of the following treatment technologies (including but not limited to):
    - Crushed glass for structural manipulation/stabilization
    - Pozzolan/Calcination/Portland cement (dewater/structural/chemical amendment)
    - Steel slag structural amendment
    - Fly/coal ash amendment
    - Electro kinetic remediation
    - Phyto remediation
    - Segregation of hydraulically dredged sediment;
  - h. thermal treatments such as thermal desorption – including current technology allowing the use of both stationary and portable treatment plants, which could also be used in other markets (trash, etc.) during periods of dredging inactivity;
  - i. the use of the material to provide protection from storm surge and sea level rise; and
  - j. the creation of a business model for this type of industry for the New England Region/CT. Examples may be available from the New York District Corps.
- 7) Rhode Island has recently passed legislation to allow for the utilization of dredged material for a variety of beneficial uses. The availability of this alternative of beneficial re-use of dredged material demonstrates an economic development opportunity and needs to be thoroughly analyzed as an alternative to open-water disposal for material in the LIS region.

**A continued role of the Regional Dredging Team in the collaborative decision-making process regarding the use of open water disposal sites needs to be a permanent component of any site designation.**

To enhance oversight and to ensure an evolving mechanism for the articulation and evaluation of practicable alternatives to open-water disposal, any process considering designation of open-water disposal sites should provide a role for the interagency Long Island Sound Regional Dredging Team (LIS RDT). The LIS RDT, at present, is charged with reviewing dredging projects proposed for WLIS and CLIS to ensure a thorough effort has been conducted to identify practicable alternatives to open-water disposal and ensure the use of those alternatives to the maximum extent practicable (see 40 C.F.R. § 228.15(b)(4)(vi)(I)). The SEIS process should consider incorporating an advisory role for the LIS RDT for review and comment on this process and on any proposed disposals within the LIS regardless of size, and provide authorization for ongoing RDT consideration and a continuous role in the identification of practicable alternatives to open-water disposal throughout LIS.

These scoping comments are not intended to be exhaustive list and DOS will contribute time, data, and suggestions in the development of the comprehensive SEIS that exhaustively examines the purpose and need of identification of any additional potential LIS open-water disposal sites. Any questions on the material found in these comments can be addressed to Jennifer Street, Coastal Resource Specialist, at (518)474-6000.

Sincerely,



Fred Anders  
Bureau Chief

FA/KG/jls

c: David Kaiser, NOAA OCRM  
Doug Pabst/Pat Pechko, US EPA Region 2  
Nancy Brighton, CENAN  
Mark Habel, CENAE



## **Written Comments 11**

Marguerite W. Purnell  
5 Old Litchfield Road  
Washington, CT 06793

Ms. Jean Brochi  
US EPA – New England Region  
5 Post Office Square, Suite 100  
Boston, MA 02109-3912

January 31, 2013

**RE: ELIS SEIS Scoping Comments**

Dear Ms. Brochi,

I was unable to make the rescheduled Scoping Meeting in New York, and as such am submitting my scoping comments in written form. I have participated in the dredged material disposal issue in Long Island Sound (LIS) for the better part of the last two decades, in the past with the Fishers Island Conservancy and now as a Fishers Island property owner/community member. I should also mention that my full time residence is in Connecticut and that for ten years I served on my local Inland Wetlands Commission as it sought to protect the wetlands and watercourses of the town while balancing the need/desire for development activity in an upland community. As such, I have experience with most aspects of the dredging and disposal issue, from point of origin through the riparian continuum to final disposition (or deposition, as the case may be).

The original EIS for designation of Open Water Disposal Sites was initiated in 1999, and completed six years later in 2005, three years after the Zone of Siting Feasibility (ZSF) was redrawn to limit scrutiny to the central and western basins of Long Island Sound. Because of the 2002 ZSF reduction, many of the supporting studies and analyses were focused almost entirely on the western and central areas of LIS, thereby leaving a dearth of information pertaining to the eastern portion of the LIS. The timetable for completion of this ELIS SEIS is particularly aggressive, and I question whether the required studies and analyses can be completed (or are even advisable) in the year or so as is currently proposed. Year to year variation can be quite significant, and a single year (or season) of data is only able to provide a brief snapshot of existing conditions and cannot be considered a representative sample.

That said, I offer the following suggestions/comments regarding the development of the ELIS SEIS, a number of which will echo some of the suggestions that were made by Fishers Island Conservancy in their Scoping comments for the LIS Dredged Material Management Plan (DMMP) currently underway.

- Provide ongoing opportunities for public involvement and comment during the ELIS SEIS.
- Enhance the transparency of the SEIS process – many of the major decisions for the designation of WLIS and CLIS (i.e. ZSF narrowing, alternative site choice for comparison and criteria application) were made behind closed doors by the agencies; the Working Group

was left entirely out of those decisions and was provided with after-the-fact updates of decisions already made.

- Post supporting materials on the project website in a timely manner.
- Emphasize watershed scale efforts to limit source pollution, thus reducing contamination of sediment that might require dredging in the future – while not within the scope of the ELIS SEIS to mandate such efforts, it's a major policy with broad repercussions for dredging and disposal issues, it bears more than a casual mention.
- Emphasize watershed scale efforts to control excess sedimentation, thus reducing the quantity of sediment that might require dredging in the future – the same comment as contained in the bullet above applies.
- Incorporate into the SEIS a listing of all current innovative technologies that are either currently being utilized elsewhere in the US or show promise as a scalable and cost competitive option for dredged material handling/reuse, though perhaps this would be better as a component of the LIS DMMP, an inextricably linked document.
- Finalize the Zone of Siting Feasibility for the ELIS SEIS – at present the scoping materials show this area as corresponding to the area remaining after the 2002 change, but some maps and discussion allude to a wider area being under consideration... So, which is it?
- Perform a *comprehensive* analysis of the entire Zone of Siting Feasibility utilizing the general and specific criteria as detailed in the Marine Protection, Research and Sanctuaries Act – ideally this would be a multicriteria analysis similar to that performed by Dames & Moore in 1980 as part of the 1982 Programmatic EIS (PEIS).
- Do not arbitrarily choose other open water sites to compare to Cornfield Shoals Disposal Site (CSDS) and New London Disposal Site (NLDS) – in doing so for the WLIS and CLIS designation EIS, it was a foregone conclusion what the result was to be since the sites chosen for comparison were easily identified as inferior alternatives.
- Incorporate all pertinent information for Fishers Island, which lies only 11/2 miles from the NLDS boundary, the closest land mass to any of the four “active” open water disposal sites in LIS. I suspect that much of this information is contained only on paper copies and will need to be digitized into the appropriate GIS data layers. This information includes, but is not limited to the following:
  - Location of public and private beaches (South beach, Dock beach, Hay Harbor Club beach, FI Club beach, Isabella beach, Chocomount beach etc.)
  - Location of FI's commercial shellfishery (West Harbor, multiple locations)
  - Location of FI's former lobster fishery (now effectively defunct as a small sustainable fishery for island lobstermen due to increased fishing pressure from CT and Montauk)
  - Location of recreational fishing sites, in particular The Race
  - Location of multiple underwater cables serving Fishers Island
  - Location of all ferry routes (to Fishers Island, to Long Island, to Block Island)
  - Location of recreational sailing areas (Hay Harbor, West Harbor, Fishers Island Sound)
  - Location of eel grass beds, substantial enough in area to merit designation as one of the Inaugural Stewardship Sites by the Long Island Sound Stewardship Initiative
  - Location of areas of state importance and local importance
  - Location of nesting areas for various bird species (some endangered, threatened or special concern)
- Compile and present one “master” bathymetric map for each “active” disposal site (CSDS and NLDS) and their surrounding area that also incorporates all prior historic disposal sites

in the vicinity as well as all previously used reference sites (i.e. DAMOS reference sites, reference sites for the SEIS etc.). Currently this information is scattered about in different reports, when it should be placed on one map to enhance the decision making process.

Thank you for your consideration of these comments; I'm sure there will be more to come. I look forward to continued participation in the ELIS SEIS process.

Sincerely,  
Marguerite W. Purnell

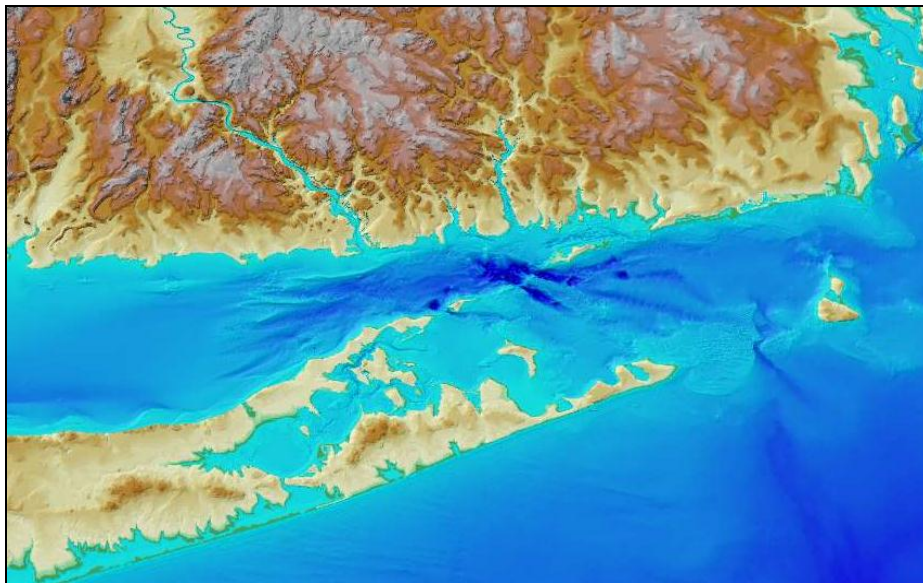
# **Appendix A-4**

## **REPORT OF PUBLIC SCOPING MEETINGS 3 AND 4**

# Supplemental Environmental Impact Statement for the Designation of Dredged Material Disposal Sites in Eastern Long Island Sound, Connecticut and New York

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## Report of Public Scoping Meetings 3 (Riverhead, NY) and 4 (Groton, CT)



Prepared for: **United States Environmental Protection Agency**

Sponsored by: **Connecticut Department of Transportation**

Prepared by: **The Louis Berger Group, Inc.**  
(under contract to the University of Connecticut)



December 2013

**REPORT OF  
PUBLIC SCOPING MEETINGS 3 (RIVERHEAD, NY)  
AND 4 (GROTON, CT)**

Held on June 25 (Riverhead) and June 26 (Groton), 2013

*Prepared for:*

**United States Environmental Protection Agency**

5 Post Office Square, Suite 100  
Boston, MA 02109

*Sponsored by:*

**Connecticut Department of Transportation**

Waterways Administration  
2800 Berlin Turnpike  
Newington, CT 06131-7546

*Prepared by:*

**The Louis Berger Group, Inc.**

117 Kendrick Street  
Needham, MA 02494

*Subcontractor to:*

**University of Connecticut**

Department of Marine Sciences  
1080 Shennecossett Road  
Groton, CT 06340

December 18, 2013

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Attachment 3: Presentations	
Attachment 4: Transcripts of Public Comments, Riverhead, New York, June 25, 2013	
Attachment 5: Transcripts of Public Comments, Groton, Connecticut, June 26, 2013	



## **EXECUTIVE SUMMARY**

This report provides a summary of the third and fourth public meetings as part of the Supplemental Environmental Impact Statement (SEIS) process for the designation of dredged material disposal sites in Eastern Long Island Sound. The SEIS will supplement the Environmental Impact Statement (EIS) for the designation of dredged material disposal sites in the Western and Central Long Island Sound, completed in 2004. The SEIS is prepared for the U.S. Environmental Protection Agency (USEPA), and supported by the Connecticut Department of Transportation (CTDOT). The study is being conducted in consultation with other federal and state agencies of New York State and Connecticut, as well as with consultation of the public.

The two public meetings were held in Riverhead (NY) and in Groton (CT) on June 25 and 26, 2013. The primary purpose of these meetings was to present the process and first results of the screening of the Eastern Long Island Sound project area.

## 1. Introduction

In 2005, the USEPA designated the Western and Central Long Island Sound dredged material disposal sites, following the preparation of an EIS. The two disposal sites in the Eastern Long Island Sound, Cornfield Shoals and New London, are scheduled to close in December 2016. The EPA is in the process of preparing a Supplemental EIS (SEIS) for the potential designation of one or more disposal sites needed to serve the Eastern Long Island Sound region. The SEIS is being prepared in accordance with Section 102(c) of the Marine Protection Research and Sanctuaries Act (MPRSA; also referred to as Ocean Dumping Act [ODA]) of 1972. The USEPA has the responsibility of designating sites under Section 102(c) of the Act and 40 CFR Part 228.4 of its regulations. The SEIS is supported by the State of Connecticut through the Connecticut Department of Transportation (CTDOT).

## 2. Public Scoping Meetings

In accordance with USEPA's voluntary NEPA policy, the USEPA is conducting an extensive public involvement program throughout the development of the SEIS. The first two public scoping meetings were held on November 14, 2012 (Groton, CT) and January 9 (Riverhead, NY).

USEPA scheduled public scoping meetings 3 and 4 to discuss the process and first results of the screening of the Eastern Long Island Sound project area (i.e., 'Zone of Siting Feasibility' or ZSF) for potential dredged material disposal sites. Aside from the Eastern Long Island Sound, the ZSF includes Block Island Sound (Figure 1). The public was invited to attend and comment on the presented information. There was no official comment period. Meetings were held on the following dates:

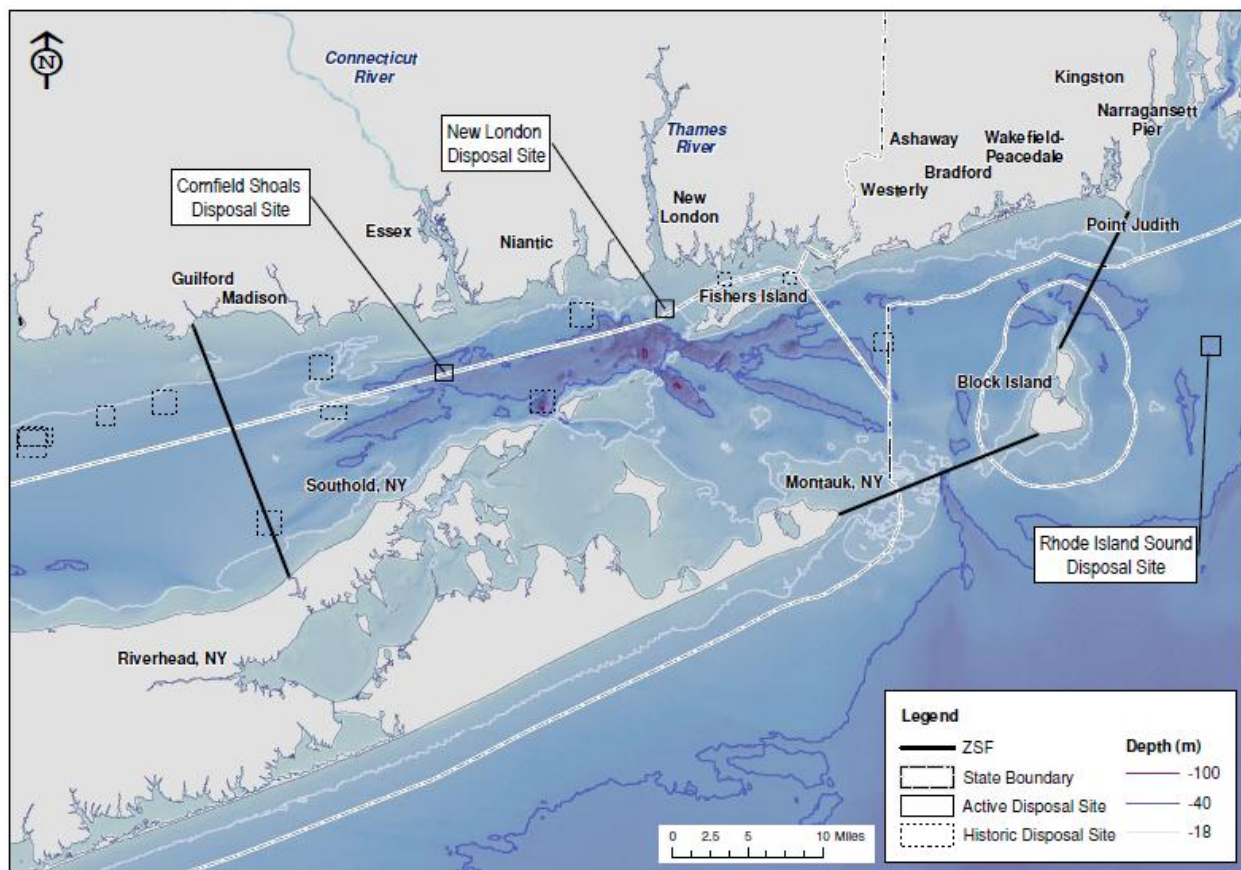
- June 25, 2013 Suffolk County Community College, Riverhead, New York
- June 26, 2013 University of Connecticut, Avery Point, Groton, Connecticut York

Both meetings were held between 2:30pm and 4:30pm. The format and agenda for each meeting were identical.

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Time	Agenda Item	
<hr/>		
2:00 pm	<i>Registration</i>	
2:30 pm	<i>Ground Rules/Logistics</i>	Facilitator, Bernward Hay, The Louis Berger Group, Inc.
2:35 pm	<i>Welcome/Project Update</i>	Jean Brochi, Project Manager, Ocean and Coastal Protection Unit, EPA Region 1
2:55 pm	<i>Site Screening/GIS</i>	Bernward Hay, The Louis Berger Group, Inc.
3:30 pm	<i>Discussion and Next Steps</i>	Bernward Hay, The Louis Berger Group, Inc.
4:30 pm	<i>Adjourn</i>	

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**Figure 1:** Zone of Siting Feasibility

### 3. Meeting Summary

Scoping is part of the NEPA process through which federal agencies discuss the purpose of and need for the proposed action; the projected area extent and range of potential impacts resulting from the proposed action; and the studies necessary to determine the extent of potential impacts resulting from these actions. Public scoping meetings 3 and 4 explained the site screening process and first screening results presented on GIS maps.

The lists of Attendees and Commenters/Speakers from the Public are provided in Attachment 2. Presentations given by Ms. Jean Brochi (USEPA) and Dr. Bernward Hay (The Louis Berger Group, Inc.) are provided in Attachment 3. Transcripts, required for both meetings, were prepared by Ms. Charmaine DeRosa from Alliance Reporting Service, Inc. (Riverhead meeting) and by Ms. Sarah Miner from Brandon Smith Reporting & Video (Groton meeting); their transcripts are enclosed as Attachments 4 and 5, respectively.

Following is a summary of the two meetings:

- **Attendees:** A total of 33 attendees signed in at the Riverhead meeting; a total of 42 attendees signed in at the Groton meeting. Attendees at both meetings included members from the Public,

non-profit organizations, private companies, state and federal agency representatives, and representatives of government officials. Specifically, agency representatives included the USEPA, U.S. Army Corps of Engineers, Connecticut Department of Energy and Environmental Protection, New York State Department of State, and New York State Department of Environmental Conservation.

- **Commenters:** After the presentations, 11 individuals commented at the Riverhead meeting and 5 individuals commented at the Groton meeting.

# **Attachment 1**

## **MEETING ANNOUNCEMENT**

**From:** Grimaldi, Alicia  
**Sent:** Tuesday, June 04, 2013 3:51 PM  
**To:** Grimaldi, Alicia  
**Subject:** Eastern LIS Supplemental EIS - PUBLIC MEETINGS June 25 (NY) & June 26 (CT)

The Environmental Protection Agency will be hosting another set of public meetings in Riverhead, NY and Groton, CT to discuss EPA's Supplemental Environmental Impact Statement (SEIS) to evaluate the potential designation of one or more dredged material disposal sites in eastern Long Island Sound. The purpose of this meeting is to present information on the range of alternative sites that will be evaluated in the SEIS. The information for these public meetings is below.

**TUESDAY, JUNE 25, 2013**

2:30 – 4:30 (registration begins at 2:00)  
Suffolk County Community College, Culinary Arts & Hospitality Center  
20 East Main Street  
Riverhead, NY 11901  
Directions: [http://department.sunysuffolk.edu/CulinaryArts\\_E/3232.asp](http://department.sunysuffolk.edu/CulinaryArts_E/3232.asp)

**WEDNESDAY, JUNE 26, 2013**

2:30 – 4:30 (registration begins at 2:00)  
University of Connecticut at Avery Point  
Academic Building, Room 308  
1084 Shennecossett Road, Groton, CT 06340  
Directions: <http://www.averypoint.uconn.edu/about/directions.html>

For additional information, please visit  
<http://www.epa.gov/region1/eco/lisdreg/elis.html>.

Please consider forwarding this message to any parties who may be interested in attending.

Thank you!

**Alicia Grimaldi**  
Ocean & Coastal Protection  
Environmental Protection Agency, Region 1  
5 Post Office Square, Suite 100  
Mail Code: OEP06-01  
Boston, MA 02109  
Tel: (617)918-1806  
Fax: (617)918-0806

## **Attachment 2**

### **LISTS OF ATTENDEES AND COMMENTERS FROM THE PUBLIC**

- Riverhead, NY      June 25, 2013
- Groton, CT      June 26, 2013

*Note: Addresses and contact information was provided on the original Sign-in sheets but not listed here for privacy reasons. Spelling of names and organizations was verified, if needed, using the internet. Names are listed in the order shown on the Sign-in sheets.*

## Riverhead, NY, June 25, 2013

### ATTENDEE SIGN-IN

NAME	ORGANIZATION	COMMENTS?
Angela DeVito	Jamesport Civic Association	
Scott Russell	Southold Town	Yes
Charles de Quillfeldt	New York State Department of Environmental Conservation	
Jim King	Southold Town Trustee	Yes
Kari Gathen	New York State Department of State	
Jennifer Street	New York State Department of State	
William Gash	Connecticut Maritime Coalition (CMC)	
Steve Hynes		
Diane Hynes		
Dan Leonard		Yes
Joseph Salvatore	Connecticut Department of Transportation	
Jim O'Donnell	University of Connecticut	
George Wisker	Connecticut Department of Energy and Environmental Protection	
Amy Atamian	The Louis Berger Group, Inc.	
James Leary	New York State Department of State	
Ron McGreevy		Yes
Doris McGreevy		Yes
Meg McAuley Kaicher	Capital Consulting Group	Yes
Hannah Cope	Office of Senator Kirsten E. Gillibrand	
Cyndi Murray		
Maureen Dolan Murphy	Citizens Campaign for the Environment	Yes
Cathy Rogers	U.S. Army Corps of Engineers, New England District	
Al Krupski	Suffolk County	Yes
Anthony Graves	Town of Brookhaven	Yes
Marguerite Purnell		Yes
Nancy Brighton	U.S. Army Corps of Engineers, New York District	
Mark Terry	Southold Town	
Kim Tucker	Suffolk County	
Sarah Anker	Suffolk County	Yes
Annie McClelland	Citizens Campaign for the Environment	
Jean Brochi	U.S. Environmental Protection Agency, Region 1	
Bernward Hay	The Louis Berger Group, Inc.	



## Groton, CT, June 26, 2013

### ATTENDEE SIGN-IN

NAME	ORGANIZATION	COMMENTS?
Alan Stevens	Connecticut Department of Transportation	
Rob Michalik	Office of Senator Chris Murphy	
Syma Ebbin	University of Connecticut	
Kathy Hall	Cardno TEC, Inc.	
G. McCarcuell (sp?)		
Frank Bohlen	University of Connecticut	Yes
Alicia Grimaldi	U.S. Environmental Protection Agency, Region 1	
Jeff Herter	New York State Department of State	
Jean Brochi	U.S. Environmental Protection Agency, Region 1	
George Wisker	Connecticut Department of Energy and Environmental Protection	Yes
Abbie McAllister		
Kari Gathen	New York State Department of State	
Grant Westerson	Connecticut Marine Trades Association	
Tracy McKenzie	U.S. Navy	
Joseph Salvatore	Connecticut Department of Transportation	
Cathy Rogers	U.S. Army Corps of Engineers, New England District	
Mel Cote	U.S. Environmental Protection Agency, Region 1	
Matt LeBeau	Office of Senator Richard Blumenthal	
Rudy Brown	U.S. Environmental Protection Agency	
Amy Atamian	The Louis Berger Group, Inc.	
Bernward Hay	The Louis Berger Group, Inc.	
Jim O'Donnell	University of Connecticut	
Sherri Vogt		
James Leary	New York State Department of State	
Jennifer Street	New York State Department of State	
Lou Allyn		
Tom Carona		
Corrine Folsom-Okeefe	Audubon Society	Yes
Judy Benson		
Bill Spicer	Spicer's Marina	Yes
Kim Junior		
Brian Thompson	Connecticut Department of Energy and Environmental Protection	
Nathan Frohling	The Nature Conservancy	Yes
Jim Hunt	Cardno TEC, Inc.	
Bob Wardwell	Cardno TEC, Inc.	
Elissa Wright	State Representative 41 <sup>st</sup> Assembly District	
Lou Burch	Citizens Campaign for the Environment	
Diane Rusanowsky	National Oceanographic and Atmospheric Administration	
Nancy Brighton	U.S. Army Corps of Engineers, New York District	
Tim Visel		

## **Attachment 3**

### **PRESENTATIONS**

- **Jean Brochi, Project Manager, Ocean and Coastal Protection Unit, EPA Region 1:**  
*Project Update* (Slides 1 to 17, and Slide 36)
- **Bernward Hay, The Louis Berger Group, Inc.:**  
*Site Screening/GIS* (Slides 18 to 35)

Note: Presentation slides were identical at each meeting.

# **Eastern Long Island Sound Supplemental Environmental Impact Statement (ELIS SEIS) Public Meetings (NY & CT)**

**U.S. EPA Region 1 and 2  
June 25-26, 2013**

# ELIS SEIS Agenda



**2:00 pm Registration**

**2:30 pm Ground Rules/Logistics**

**Facilitator, Bernward Hay, the Louis Berger Group, Inc. (LBG)**

**2:35 pm Welcome/Project Update**

**Jean Brochi, Project Manager, Ocean and Coastal Protection Unit  
EPA Region 1**

**2:55 pm Site Screening/GIS**

**Bernward Hay, LBG**

**3:30 pm Discussion and Next Steps**

**Bernward Hay, LBG**

**4:30 pm Adjourn**



# EPA-USACE Share Responsibility

- Marine Protection, Research, and Sanctuaries Act (MPRSA, aka Ocean Dumping Act)
  - Section 102: EPA Designates Sites
  - Section 103: USACE Selects Sites subject to EPA concurrence
- Dredged material disposal at these sites must meet criteria in Ocean Dumping Regulations (40 CFR Parts 220-229)
- Clean Water Act (CWA)
  - Section 404: USACE issues permits subject to EPA concurrence
  - Section 404(c): EPA has veto authority

# EPA's Role in Dredging

- Designate ocean dredged material disposal sites for long-term use (following EPA's voluntary NEPA policy to prepare an EIS)
- Promulgate regulations and criteria for disposal site selection and permitting discharges
- Review USACE dredging projects and permits
- Develop site monitoring/management plans (SMMP)
- Monitor disposal sites jointly with USACE



# Long Island Sound Dredged Material Disposal Sites

Designated by EPA in July 2005:

- Western Long Island Sound
- Central Long Island Sound

Selected by USACE in 1990s, scheduled  
to close December 2016:

- Cornfield Shoals
- New London

# Long Island Sound Environmental Impact Statement

- April 2004 – EPA and Corps complete EIS recommending designation of CLIS and WLIS disposal sites, initiates final rulemaking
- June 2004 – NYS DOS objects to proposed federal action as inconsistent with CZM Program
- September 2004-May 2005 – EPA, Corps, NOAA, NY and CT negotiate conditions to site designation rule so NY can withdraw its objection



# Long Island Sound Environmental Impact Statement

- June 2005 – EPA publishes final rulemaking to designate CLIS and WLIS with conditions which, if not met, will result in sites closing, including:
  - Completion of a regional dredged material management plan (DMMP) for Long Island Sound by 2013 (or 2014)
  - Formation of a Long Island Sound Regional Dredging Team to review alternative analyses for federal and large private dredging projects
  - Production of an annual report by EPA on progress toward completion of the DMMP, and disposition of dredged material from all projects each year

# Eastern Long Island Sound Supplemental Environmental Impact Statement (ELIS SEIS)

- October 2012: Published a Notice of Intent
- November 14, 2012 and January 9, 2013 Public meetings
- January 8, 2013, May 20, 2013 and June 18, 2013  
Cooperating Agency meetings
- Literature and Data gap analysis ongoing
- Physical Oceanographic Study (initiated March 2013)  
ongoing
- Screening using data available in Geographic Information  
Systems (GIS) ongoing



# ELIS SEIS Partners

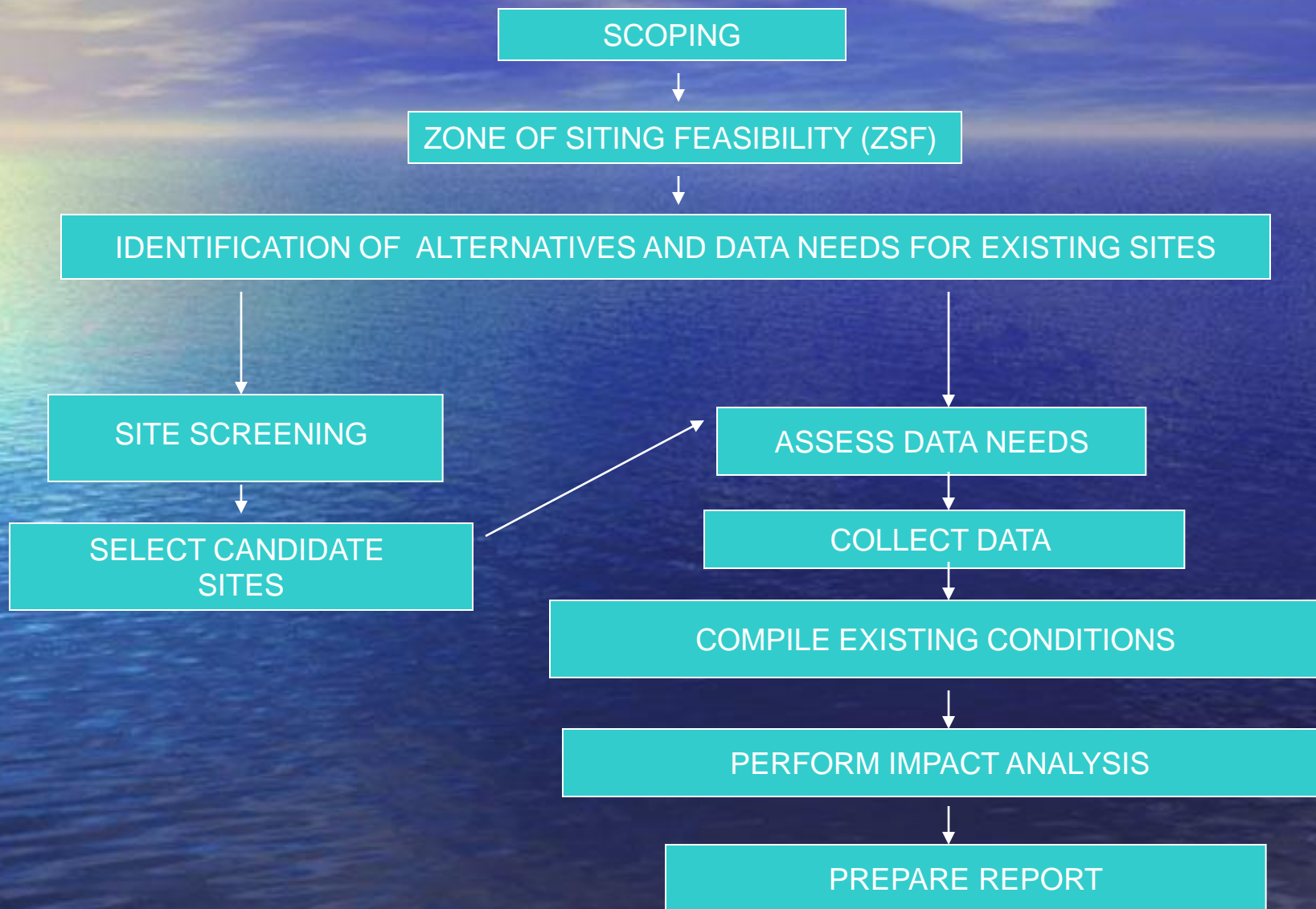
- COOPERATING AGENCIES:  
EPA R1 and R2, NYDOS, NYDEC, CTDEEP, CTDOT, RICRMC, USACE (New York and New England Districts), NOAA, and USCG.
- COORDINATING AGENCIES:  
USFWS and the NAVY
- Additional Coordination: Tribes, SHPO's

# ELIS SEIS Schedule

- Draft SEIS by December 2014
- Final SEIS by December 2015
- Assuming SEIS recommends designation of one or more sites, publish final rulemaking by December 2016



# ELIS SEIS Process



# LIS DMMP Studies

## Dredging Needs Report completed in October 2009:

- Determined that approximately 13.5 million cubic yards will be dredged from ELIS harbors and channels over the next 26 years (planning horizon to 2028)

## Upland, Beneficial Use, and Sediment Dewatering Reports completed in 2009-2010:

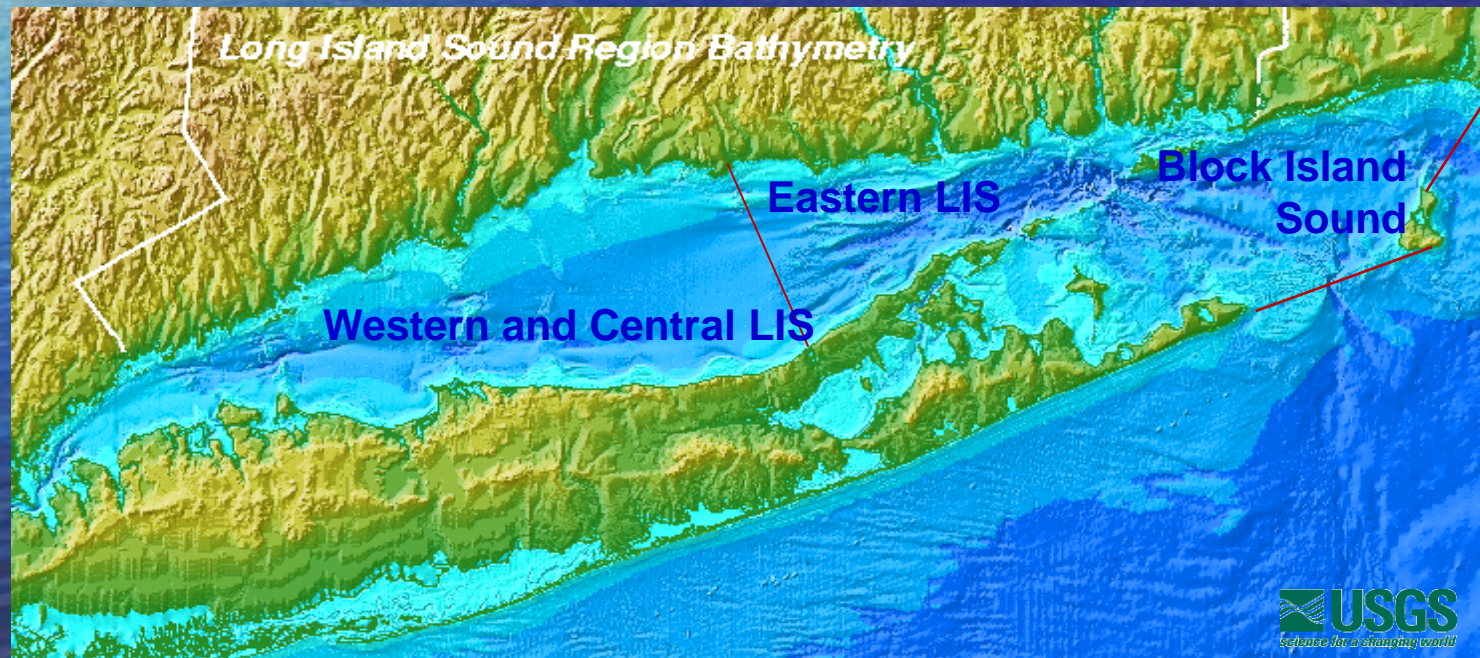
- Determined that there are very few alternatives to open-water disposal sites in CT, and most of those are beach nourishment



# ELIS –SEIS

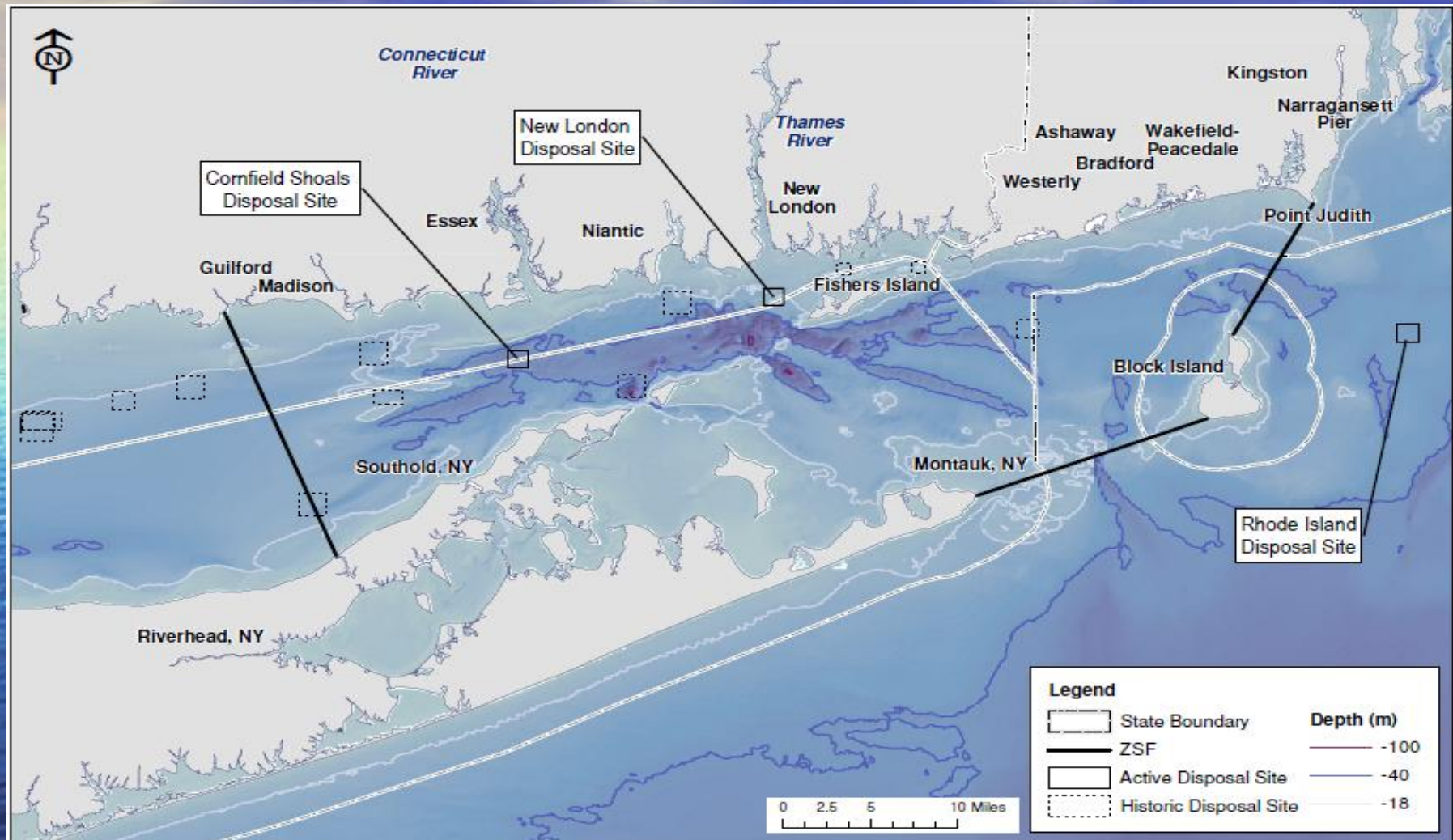
## Zone of Siting Feasibility

- SEIS will address the eastern region of Long Island Sound, and Block Island Sound





# ELIS SEIS – Active Dredged Material Disposal sites





# Approach to Screening

- Marine Protection, Research, and Sanctuaries Act of 1972 (MPRSA): Criteria for ocean dredged material site designation:
  - 5 general criteria (40 CFR 228.5)
  - 11 specific criteria (40 CFR 228.6)
- Screening levels
  - Initial Screening of areas potentially acceptable as an open water disposal site
  - Further evaluate areas using additional data (this may include additional field work, research, etc.)

## Approach to Screening MPRSA -11 specific criteria (40 CFR 228.6)

1. Geographical position, depth of water, bottom topography and distance from coast
2. Location in relation to: breeding, spawning, nursery, feeding, passage areas of living resources
3. Location in relation to beaches, public use areas
4. Types and quantities of disposal, etc.
5. Feasibility of surveillance and monitoring
6. Dispersal, horizontal transport and vertical mixing characteristics of the area, including prevailing current direction and velocity, if any
7. Existence and effects of current and previous discharges and disposal in the area (including cumulative effects)
8. Interference with shipping, fishing, recreation, fish and shellfish culture, areas of special scientific importance and other legitimate uses of the ocean
9. Existing water quality and ecology of the site
10. Potentiality for the development or recruitment of nuisance species in the disposal site
11. Existence at or in close proximity to the site of any significant natural or cultural features of historical importance.



## Approach to Screening MPRSA - 5 general criteria (40 CFR 228.5)

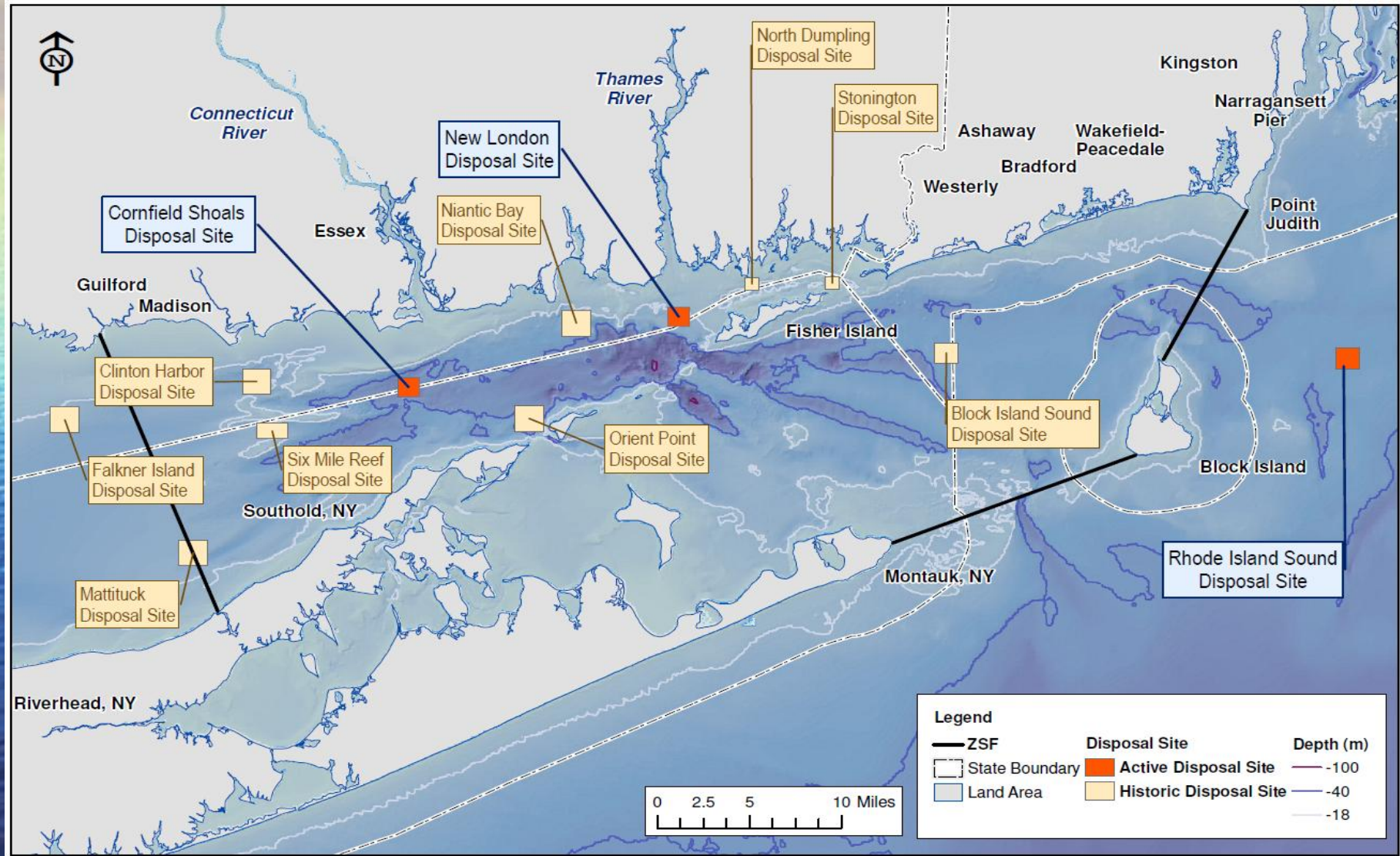
1. **Conflicting Uses** - in areas selected to minimize the interference with areas of existing fisheries or shellfisheries and regions of heavy commercial or recreational navigation.
2. **Conditions** - will be so chosen so that temporary perturbations in environmental conditions caused by disposal operations will be reduced before reaching any beach, shoreline, marine sanctuary, or known geographically limited fishery or shellfishery.
3. **Site Use** - at any time if approved sites do not meet the criteria for site selection set forth in Sections 228.5 through 228.6, the use of such sites will be terminated as soon as suitable alternate disposal sites can be designated.
4. **Site Size** - the sizes of ocean disposal sites will be limited to implement effective monitoring and surveillance programs; the size, configuration, and location of any disposal site will be determined as a part of the disposal site designation study.
5. **Historically Used** - USEPA will, wherever feasible, designate disposal sites beyond the edge of the continental shelf and other such sites that have been historically used.

# Site Screening - Examples

- Sedimentary Environment
  - Bathymetry
  - Currents and Waves; Bottom Stress
  - Sediment Texture (resuspension potential; habitat)
- Areas of Conflicting uses
  - Infrastructure (cables, pipelines)
  - Navigation (shipping lanes, anchoring areas)
  - Recreation (areas and navigation)
  - Conservation Areas (sanctuaries, wildlife refuges, National Seashores, parks, artificial reefs, etc.)
  - Cultural and Archaeological Resources
- Biological Resources
  - Shellfish Beds
  - Benthic Community
  - Fish Habitat, Fish Concentrations, and Fishing Areas
  - Breeding, Spawning, Nursery, Feeding, and Passage Areas



# ELIS SEIS – Historic Dredged Material Disposal sites

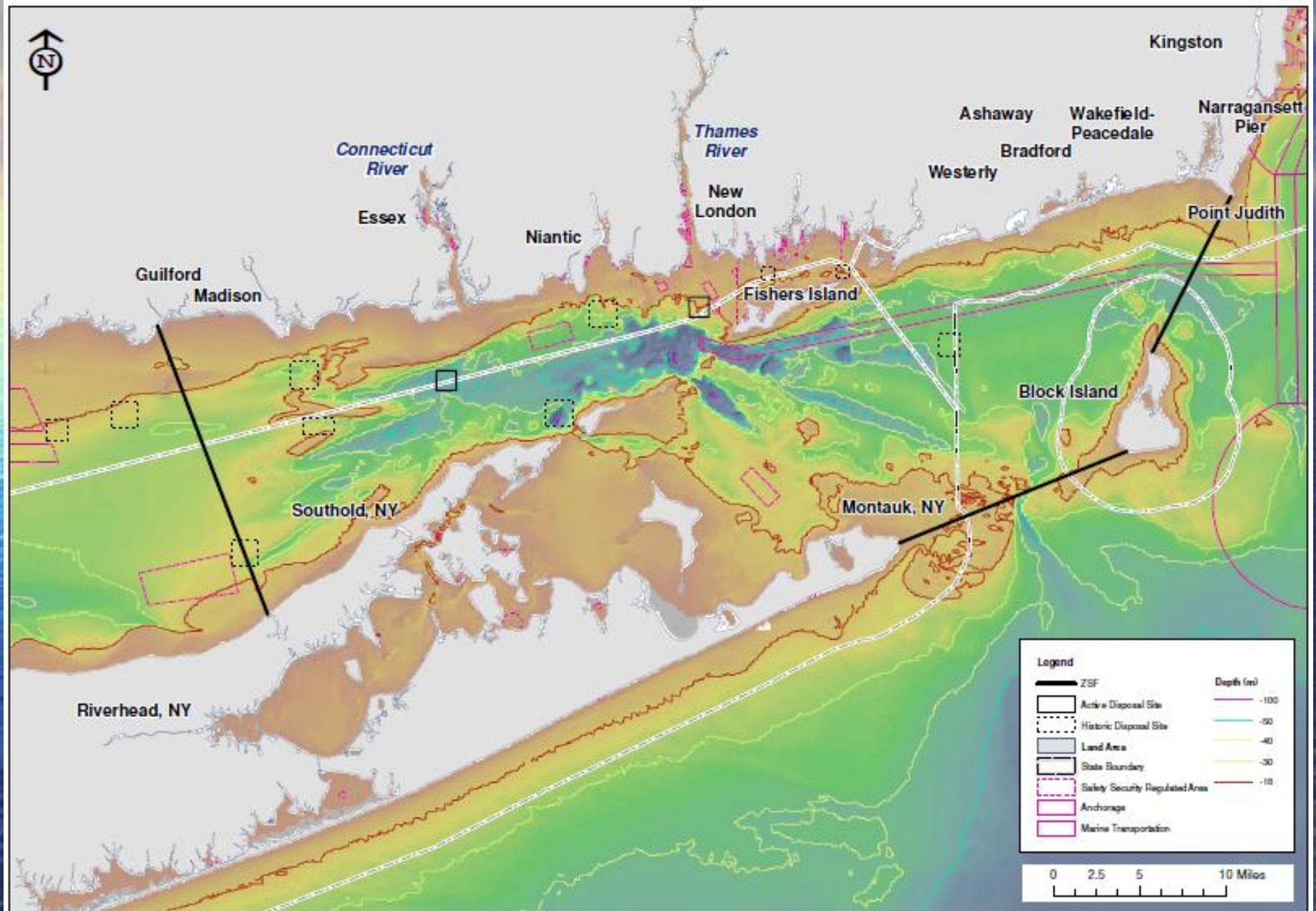


# Sedimentary Environment



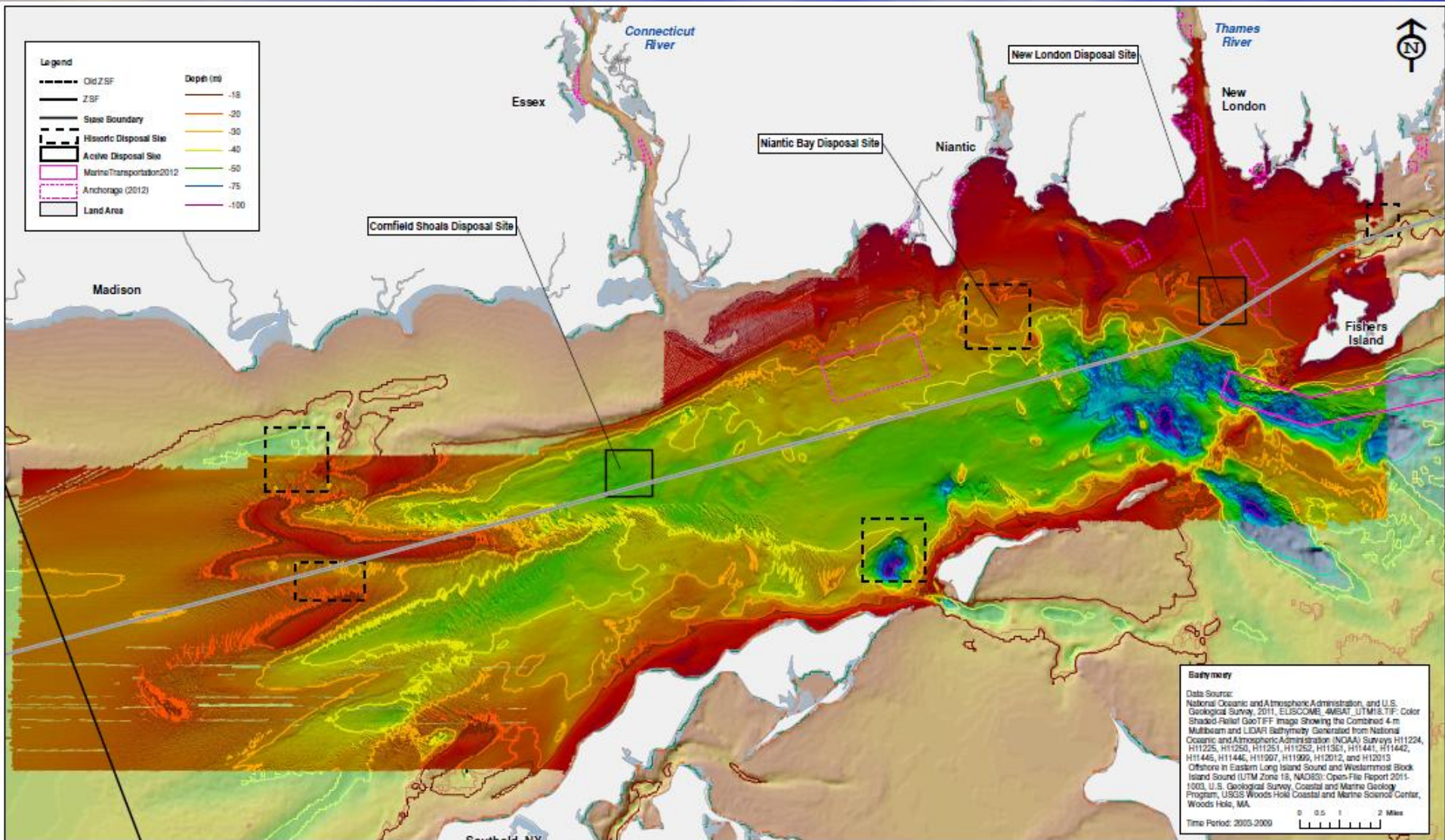


# Bathymetry (ZSF)



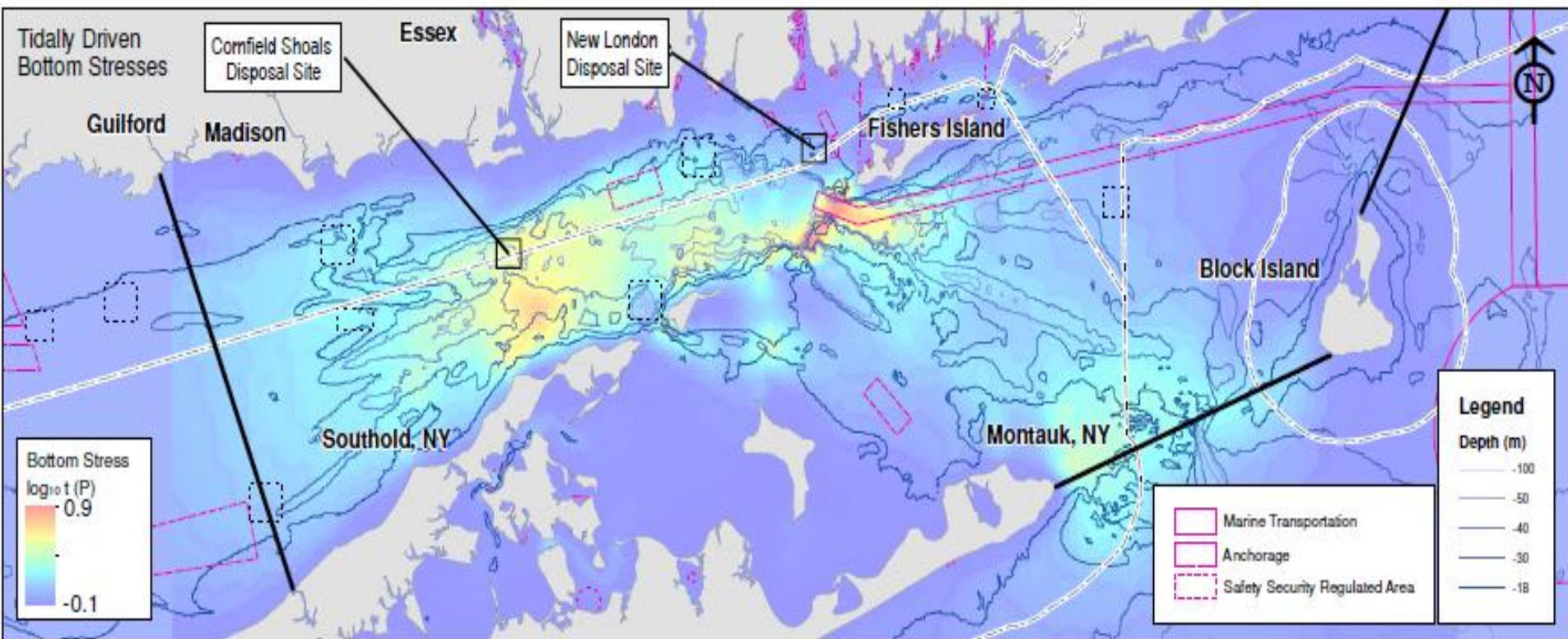


# Bathymetry (Eastern LIS)



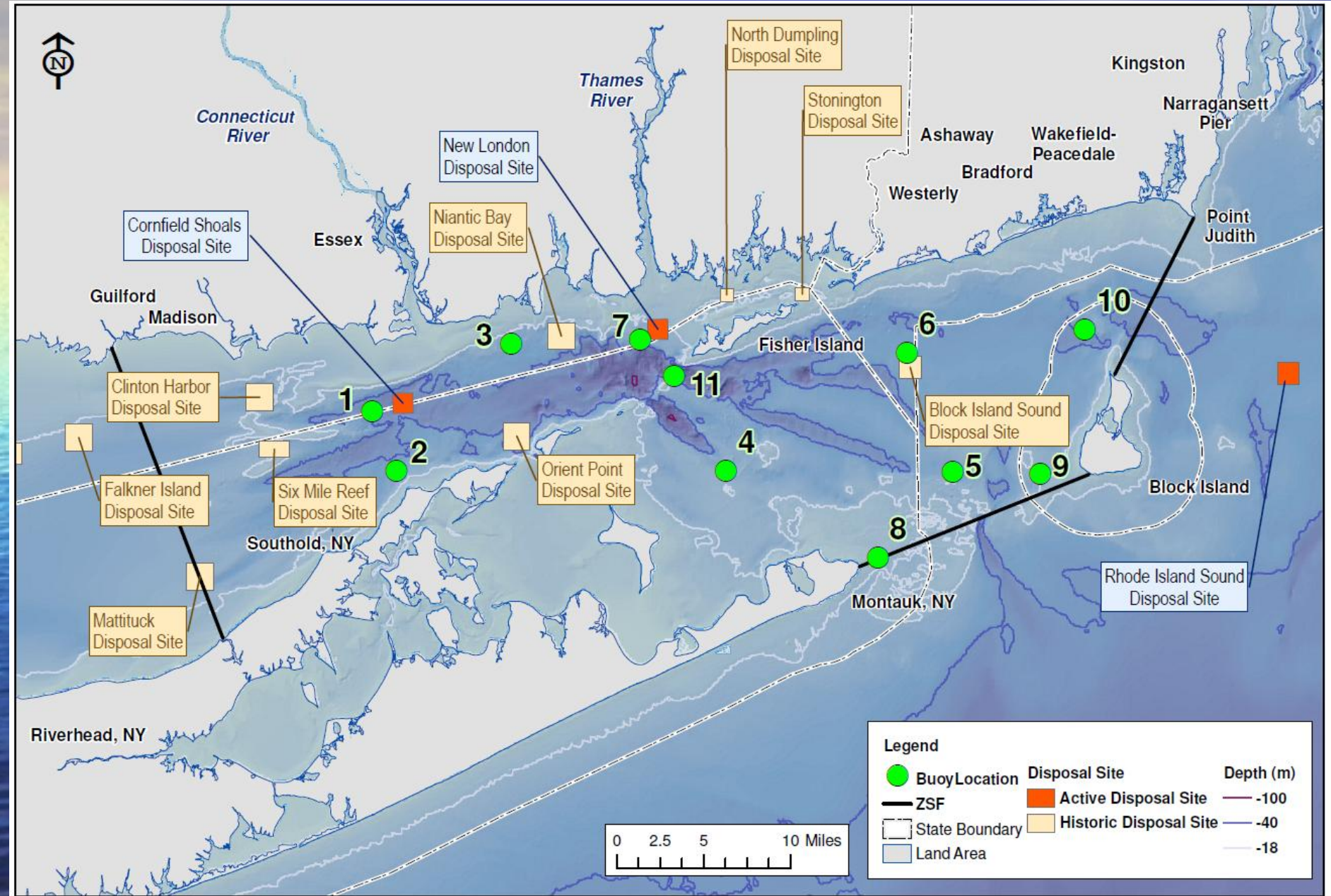


# Tidally-Driven Bottom Stress





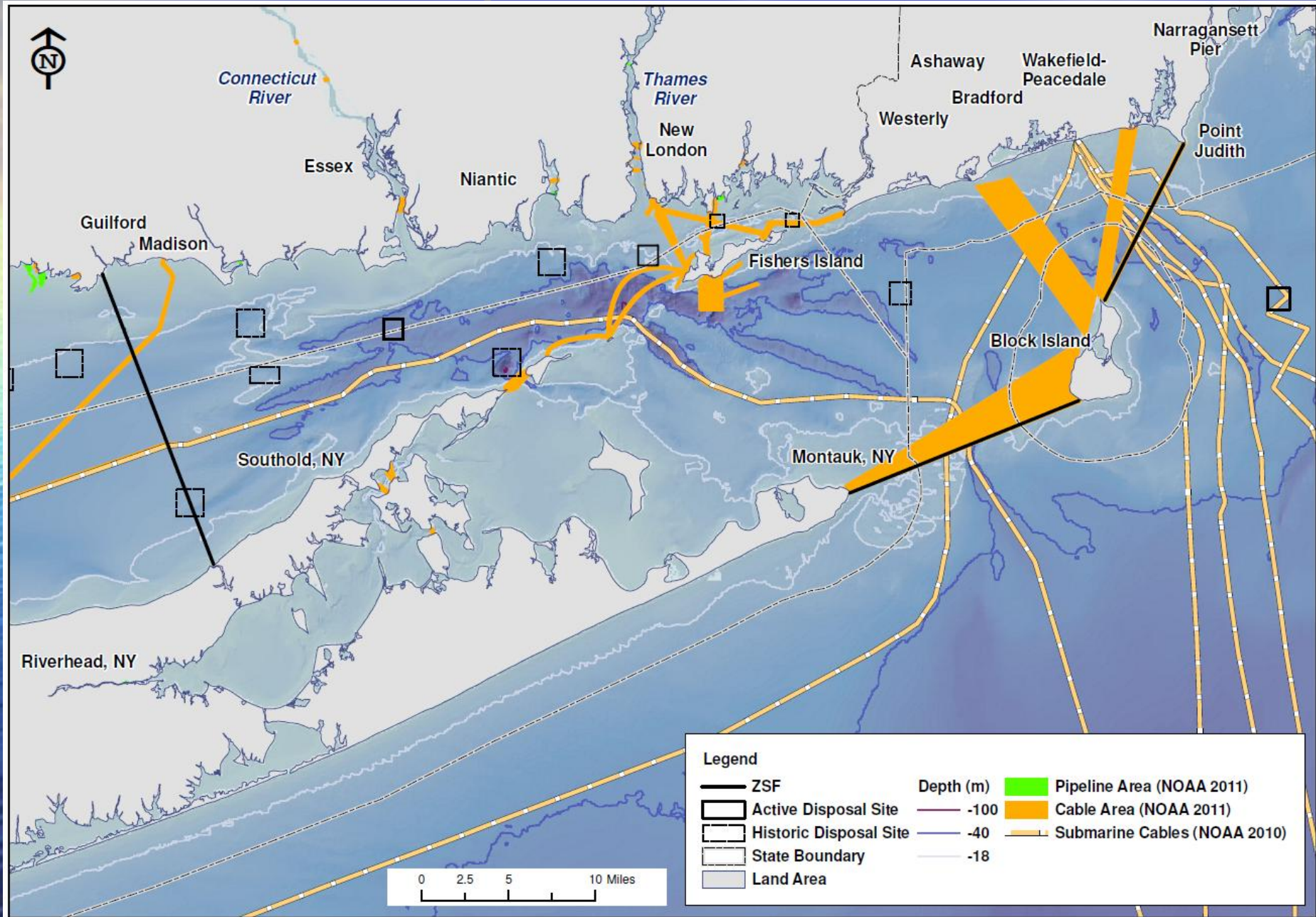
# Physical Oceanography Study – Buoy Locations



# Areas of Conflicting Uses

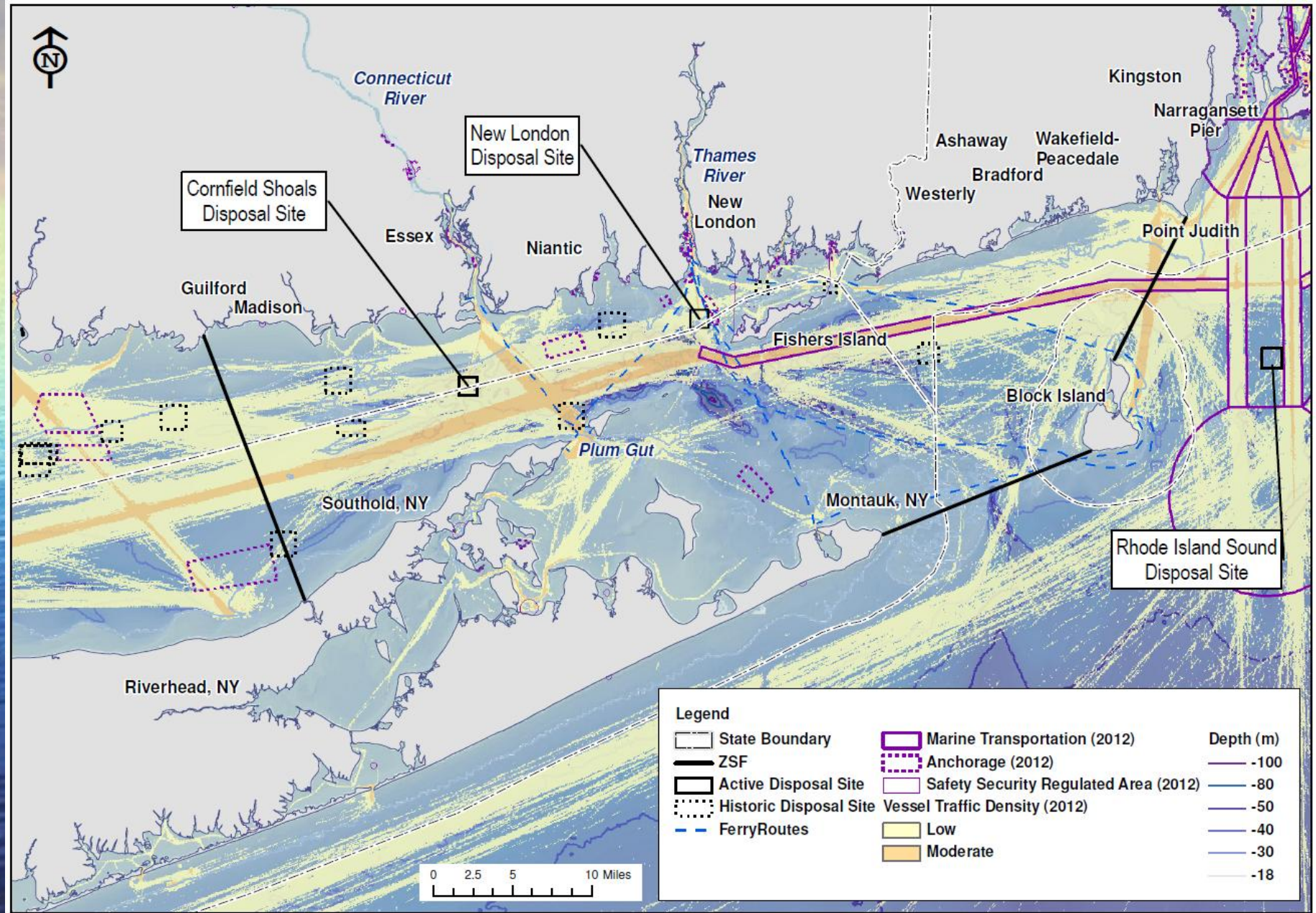


# Cables and Pipelines



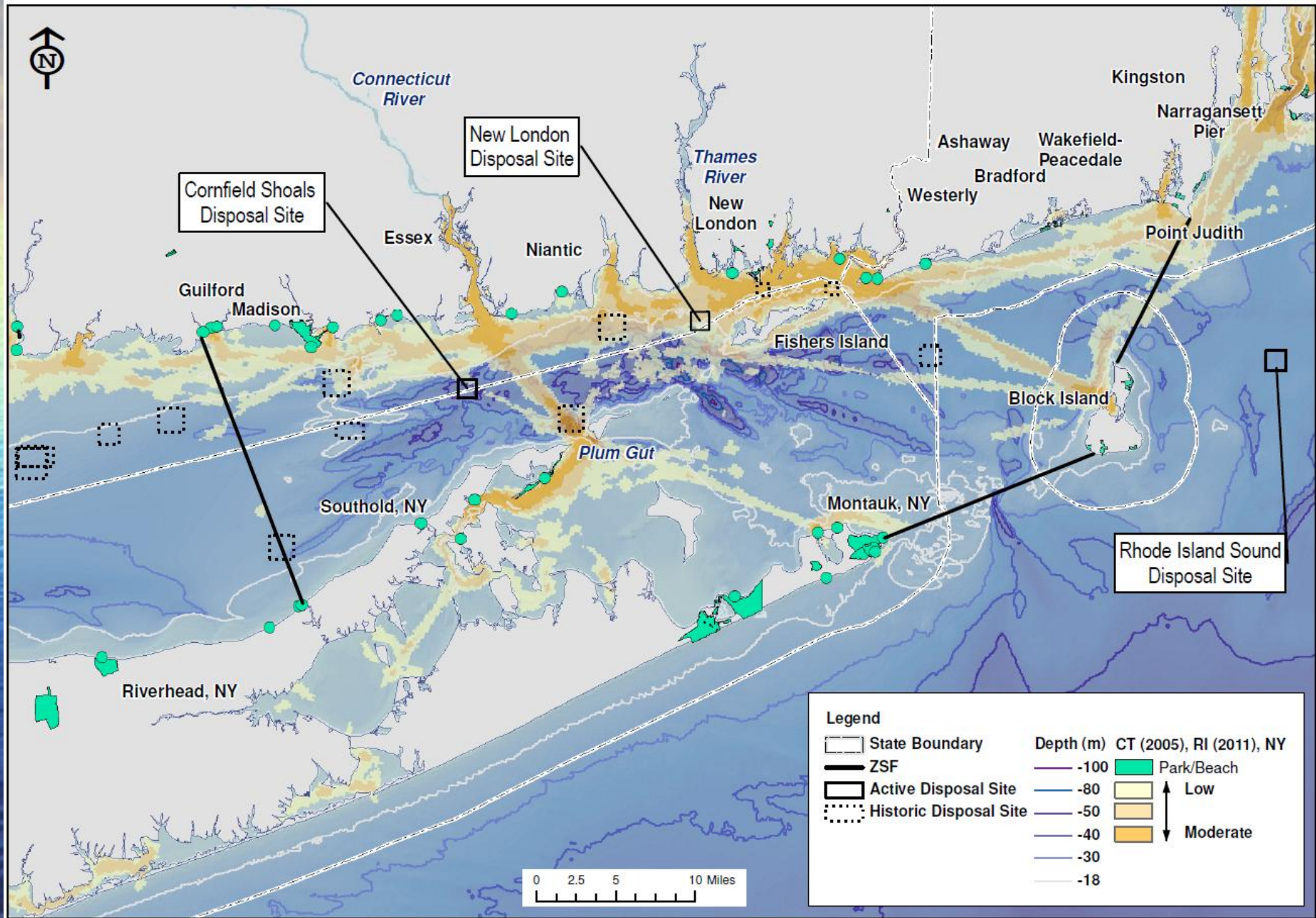


# Vessel Traffic Density, Anchoring Areas





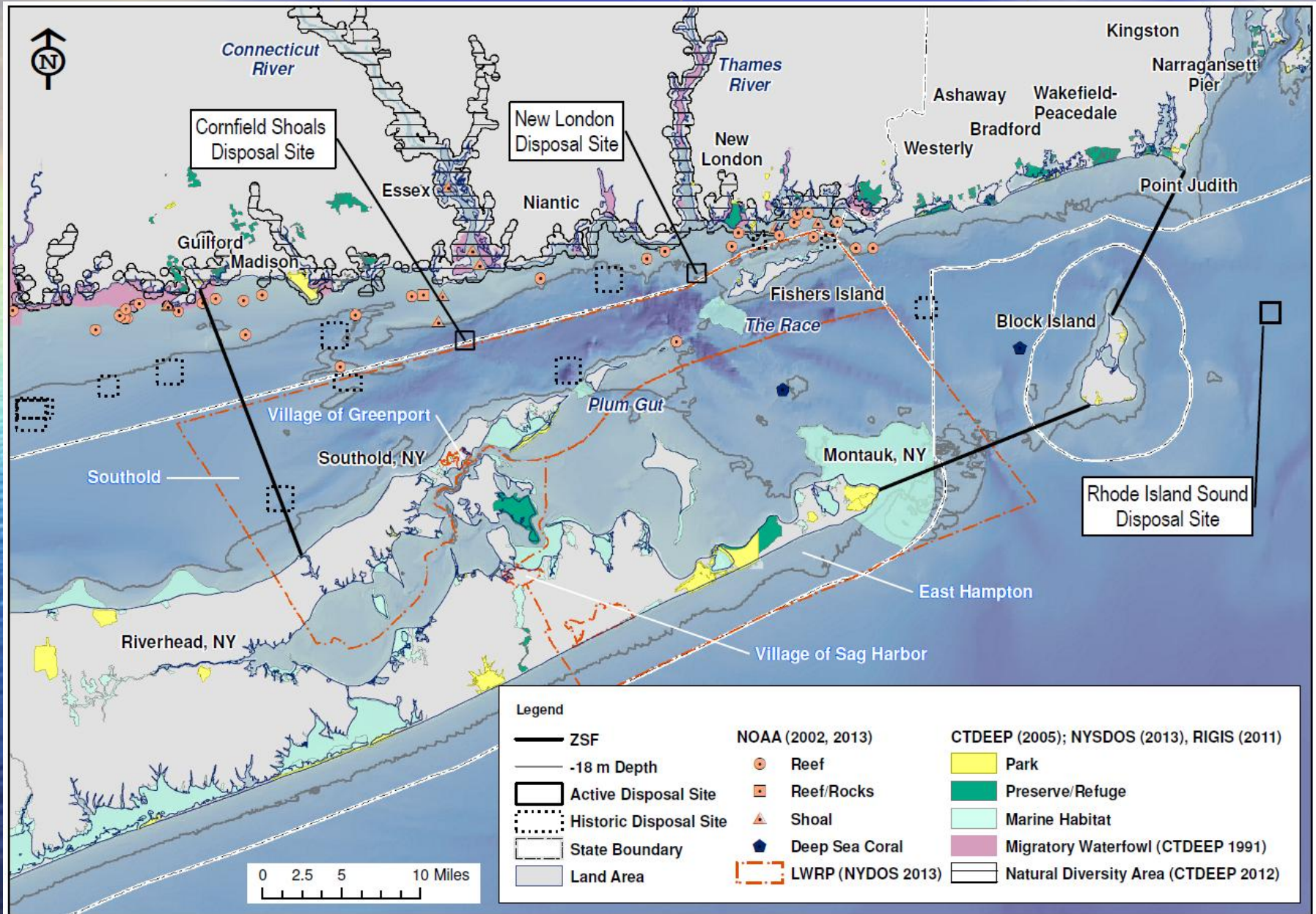
# Recreation (Areas and Navigation)





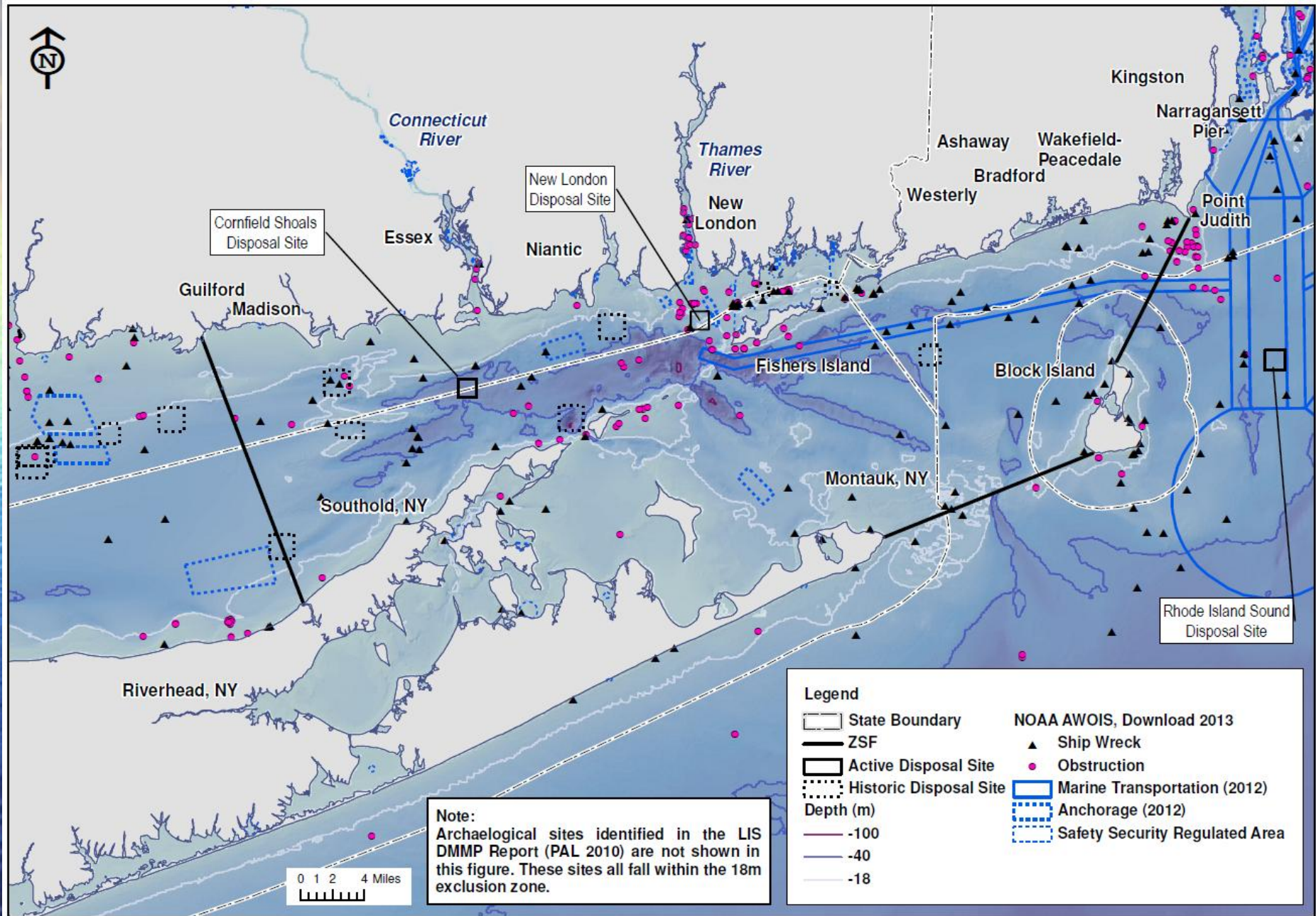
# Conservation Areas

(sanctuaries, wildlife refuges, national seashores, parks, artificial reefs, etc.)





# Archaeological and Cultural Resources

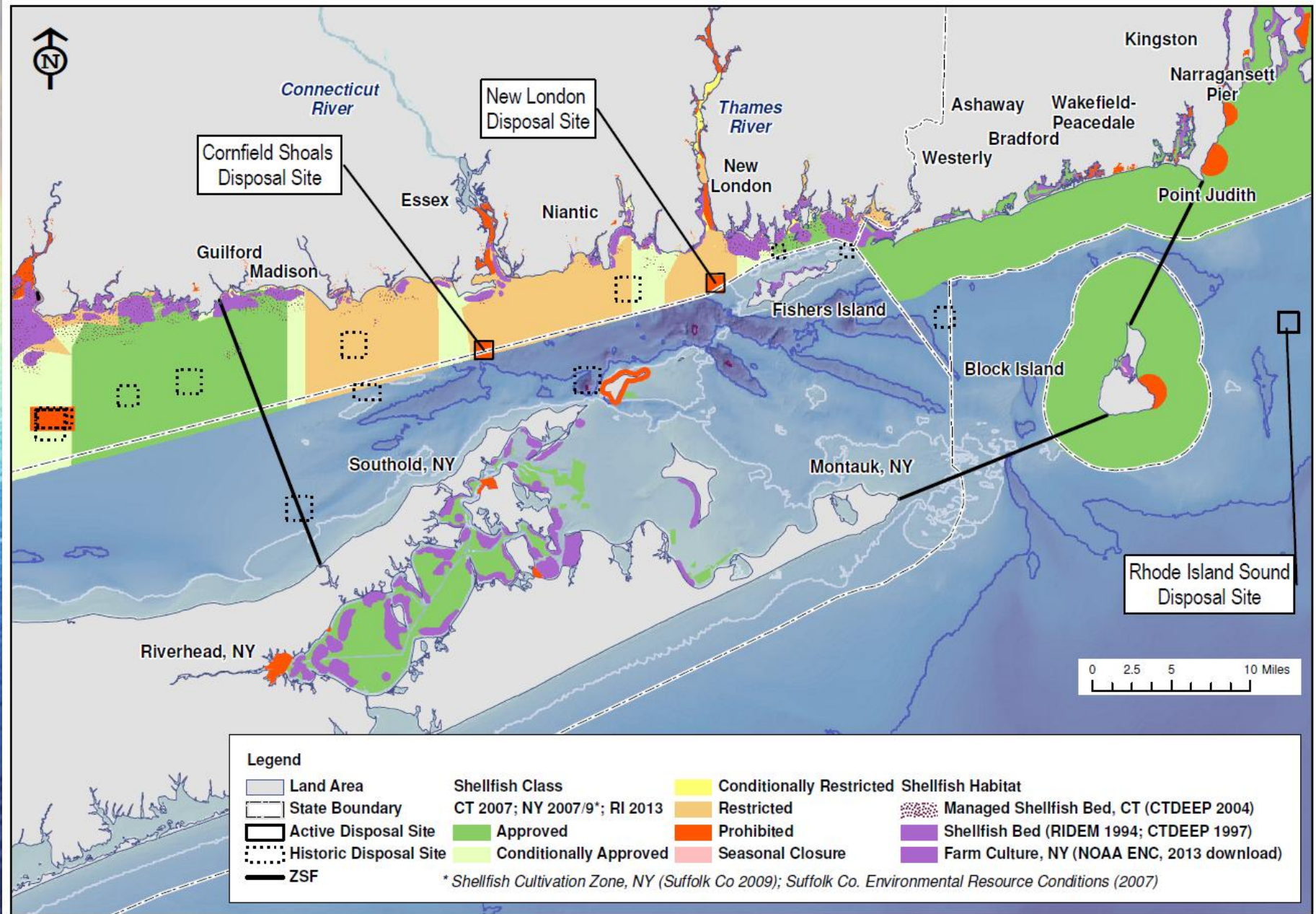


# Biological Resources



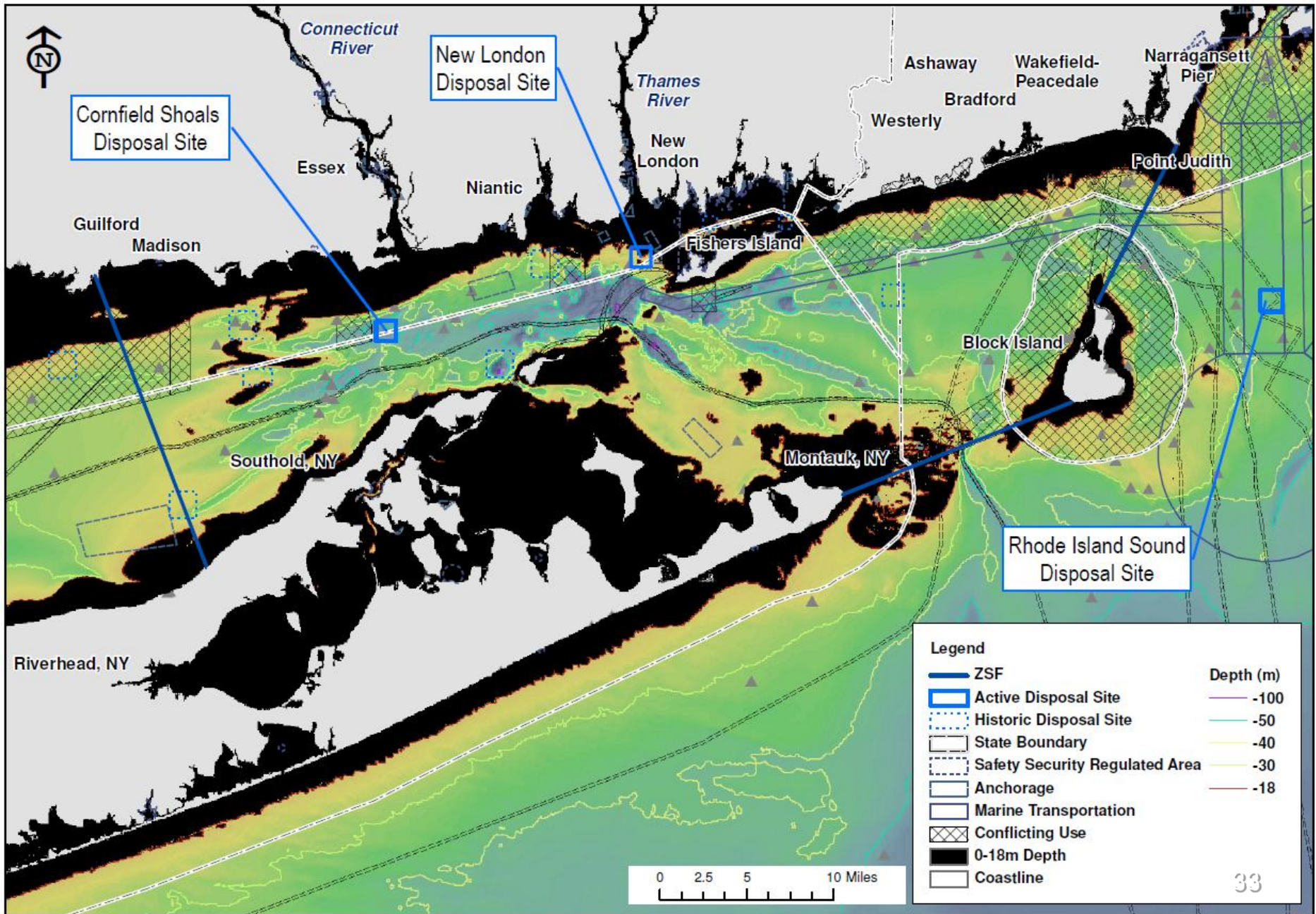


# Approved/Prohibited Shellfishing Areas



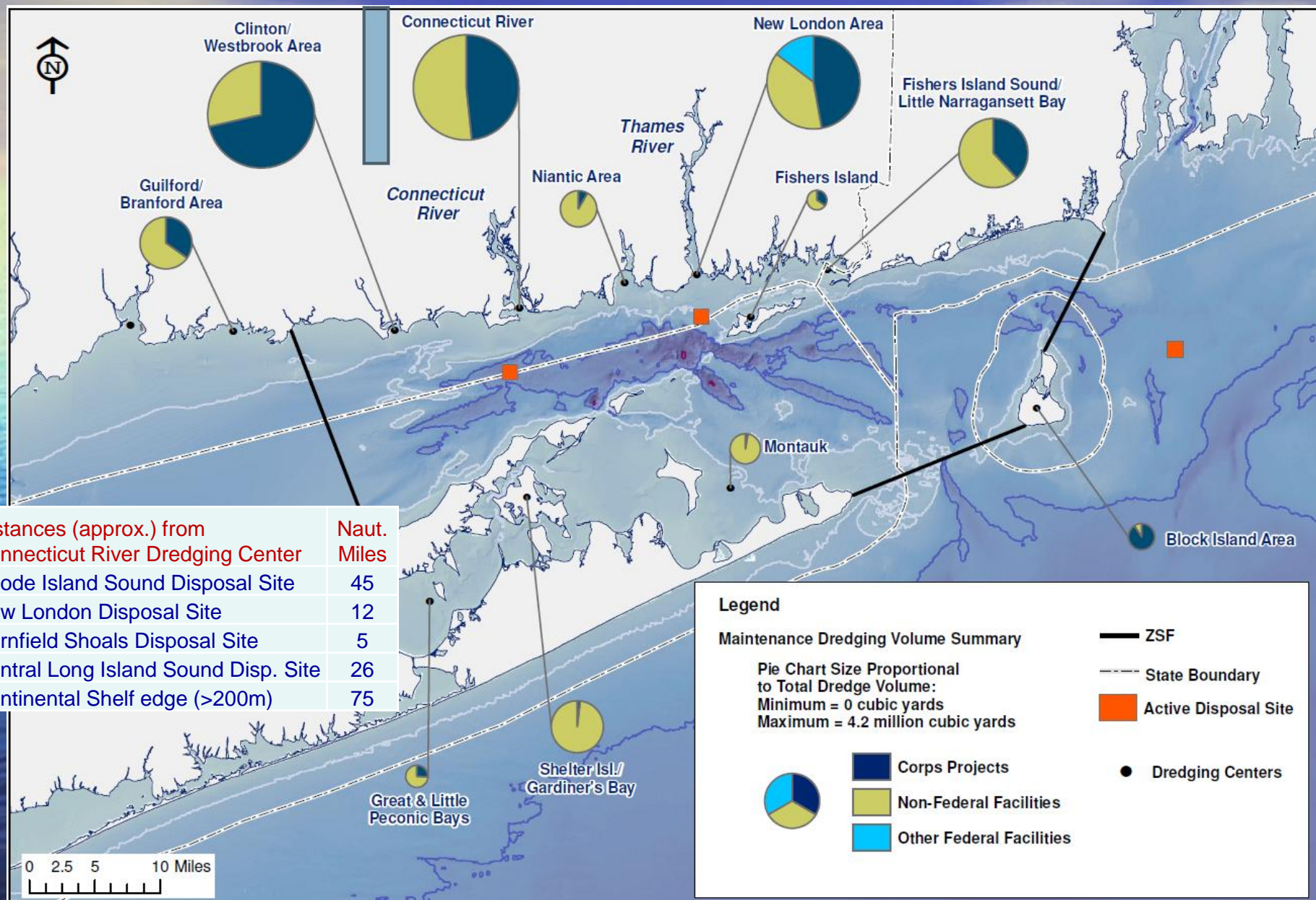


# Overlay





# Dredging Centers and Disposal Distance

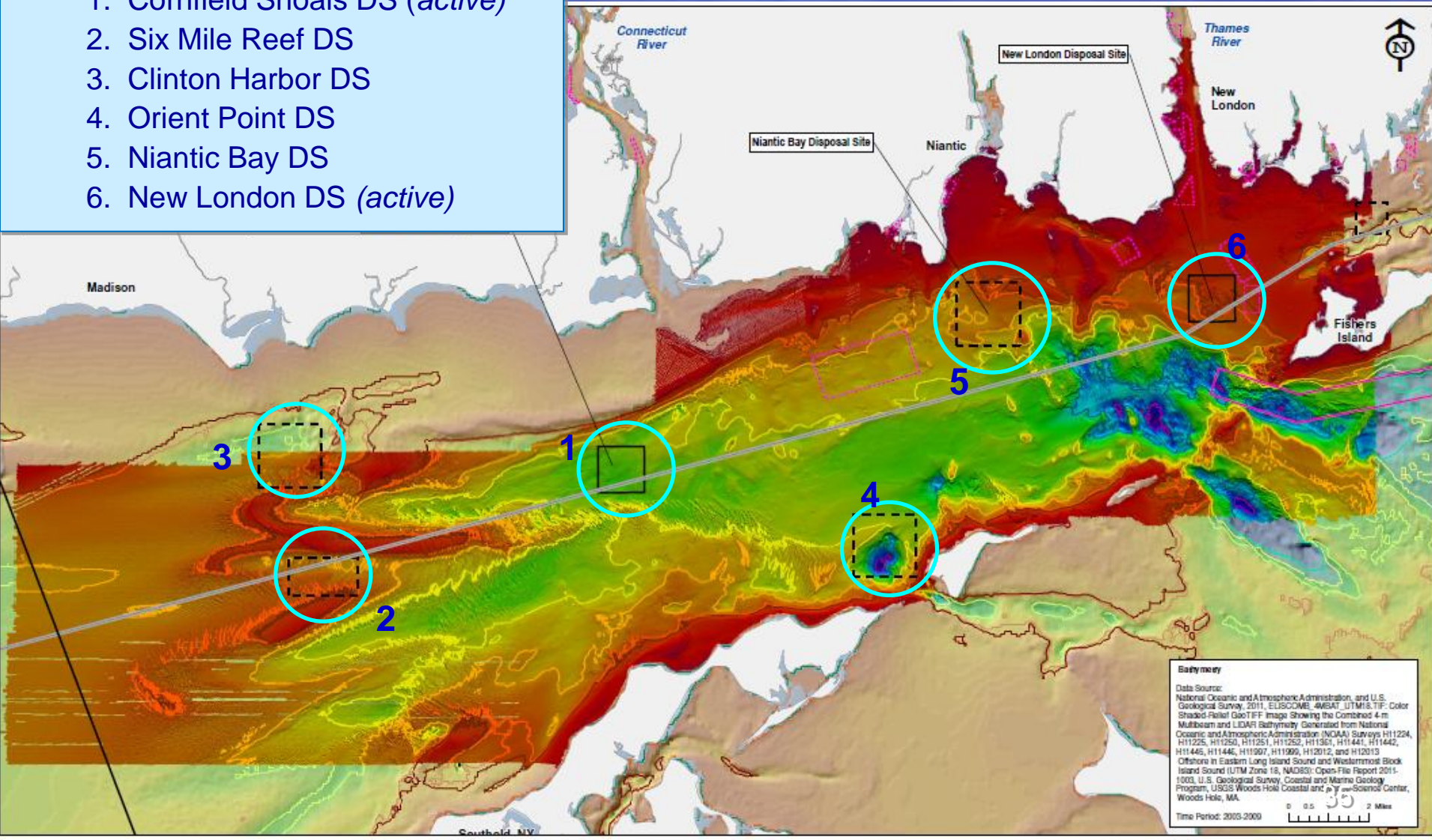




# Areas identified in Eastern Long Island Sound



1. Cornfield Shoals DS (*active*)
2. Six Mile Reef DS
3. Clinton Harbor DS
4. Orient Point DS
5. Niantic Bay DS
6. New London DS (*active*)





# Next Steps

- Assess sites in more detail
  - Integrate additional available information
  - Identify and fill remaining data gaps including safety, economics.
  - Review existing and newly collected data for priority sites
- Collect additional data on sediment and biological resources
- Review data from Physical Oceanography Study for Cooperating Agency Meeting in fall
- Public Meetings in winter

## **Attachment 4**

### **TRANSCRIPTS OF PUBLIC COMMENTS, RIVERHEAD, NEW YORK JUNE 25, 2013**

# USEPA PUBLIC MEETING

<p>1 SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT TO EVALUATE THE POTENTIAL DESIGNATION OF ONE OR 2 MORE DREDGED MATERIAL DISPOSAL SITES IN EASTERN LONG ISLAND SOUND</p> <p>3 4 June 25, 2013 2:30 p.m. Culinary Center 5 Suffolk Community College Main Street 6 Riverhead, New York</p> <p>7 S P E A K E R S: THE LOUIS BERGER GROUP, INC. 8 BERNWARD J. HAY PH.D PRINCIPAL ENVIRONMENTAL SCIENTIST</p> <p>9 10 JEAN BROCHI, PROJECT MANAGER EPA REGION 1 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p>1 [TIME NOTED: 2:30 P.M.]</p> <p>2 MR. HAY: Good afternoon. I think that 3 we can start at this point. First of all, welcome 4 to this public meeting. Thanks for sharing your 5 time with us on this beautiful day. At least we 6 have air conditioning here, so it will keep 7 everybody cool. A couple of housekeeping items 8 that I want to mention right up front. Everyone 9 should be registered at this point. There's a 10 registration form outside. If you haven't 11 registered yet, please register at some point 12 during this meeting outside. There are also some 13 handouts outside, which include copies of the 14 Power Point presentation that is going to be 15 given later on. Please feel free to get yourself 16 a copy as well.</p> <p>17 Secondly, restrooms outside of the room are to 18 the right about ten yards down the corridor on the 19 right side. Third, please turn off your cell 20 phones, if you could, or put them on vibrate. 21 My name is Bernward Hay. I'm with the Louis 22 Berger Group. I'm an Environmental Scientist, 23 and we are under contract to the University of 24 Connecticut, that is under contract to the 25 Connecticut Department of Transportation. We</p>
<p>1 are assisting the Connecticut DOT and the US EPA 2 with preparation of a Supplemental Environmental 3 Impact Statement to evaluate the possible 4 designation, potential designation, of one or more 5 Ocean Dredged Material Disposal Sites, 6 to serve the Eastern Long Island Sound region and 7 Connecticut, New York and Rhode Island.</p> <p>8 The EPA is the Federal lead agency for the 9 project. The meetings that were held in November 10 and in January were to solicit comments on the 11 Notice of Intent, and the comment period for those 12 meetings ended on January 31, 2013. At each 13 meeting seven individuals commented. In addition 14 eighteen written letters and emails were received 15 within the comment period.</p> <p>16 Today's meeting is an informational 17 meeting and there is no specific comment period. 18 Information presented today will be made available 19 on the EPA website. Specifically, today's meeting 20 is designed to provide you with an update of the 21 project as a follow-up to the public meeting in 22 November and January.</p> <p>23 We will review initial screening, the initial 24 screening process, that has been conducted so far 25 and we'll briefly discuss upcoming data collection</p>	<p>1 efforts. Feedback regarding our efforts would be 2 welcome.</p> <p>3 In addition to this public meeting in New York 4 here, a second meeting is scheduled for tomorrow 5 at the University of Connecticut at Avery Point in 6 Groton, Connecticut. Ms. Jean Brochi from EPA 7 and I will present the updated information about 8 the project for the next hour, after this 9 introduction, until about 3:30 p.m. After the 10 presentations have been completed the floor will 11 be open for comments until about 4:30 p.m. 12 If you wish to speak at that time, please provide 13 your name and affiliation and we ask you to keep 14 your comments brief to allow others to speak as 15 well.</p> <p>16 The public meeting is recorded by a 17 stenographer and is also recorded by audio 18 devices. The transcript of the meeting will 19 be entered into the public record and will be made 20 available to the public on the EPA website as 21 well. We will now move to the presentations. 22 Ms. Jean Brochi is a Project Manager for the 23 Ocean and Coastal Protection Unit of the EPA 24 Region 1 in Boston. She will provide the welcome and 25 project update, and I will talk about site</p>

# USEPA PUBLIC MEETING

<p>5</p> <p>1 screening and GIS Data. With that, Jeannie, would 2 you open the meeting. 3 MS. BROCHI: Thank you Bernward. Thank 4 you all for coming. As Bernward said, this is an 5 EPA project. It's for the potential designation 6 of dredged material disposal sites. We ask that 7 you wait until the end of both presentations to 8 comment. You should have received an agenda out 9 front. I'm going to do the project update which 10 would include some background information from 11 the previous public meetings. Bernward will go 12 through the site screening, and then we'll have 13 next steps and comments. 14 So, the Environmental Protection Agency 15 and the Army Corps of Engineers have a shared 16 responsibility in managing dredged material. 17 The EPA is responsible for -- We're authorized to 18 designate dredged material disposal sites. Under 19 the Marine Protection Research and Sanctuaries 20 Act, MPRSA, also known as the Ocean Dumping Act, 21 under Section 102, the EPA has the authority to 22 designate sites, and under section 103, the Army 23 Corps of Engineers has the authority to select 24 sites, which are subject to EPA concurrence. 25 Dredged material at these sites must meet</p>	<p>6</p> <p>1 criteria, ocean dumping criteria, 40 CFR Parts 220 2 through 229, for which I have slides that will discuss 3 what those criteria are. Also regulated under the 4 Clean Water Act, Section 404, which gives the Army 5 Corps of Engineers the authority to issue permits, 6 and that's subject to EPA concurrence, as well as 7 Section 404(c), where the EPA has the authority 8 for vetoing permits. 9 Again, EPA's role is to designate ocean 10 dredged material disposal sites for long-term use. 11 In doing so, EPA follows a voluntary NEPA Policy, 12 which is what this meeting falls under. So, we'll 13 have a series of public meetings as well as 14 cooperating agency meetings. EPA is responsible 15 to promulgate the regulations and criteria for 16 disposal site selection and review Army Corps of 17 Engineer dredging permits and projects, as well as 18 develop site monitoring and management plans. 19 Those site monitoring and management plans are 20 specific to designated sites. In addition, EPA 21 monitors the disposal sites jointly with the Army 22 Corps of Engineers. 23 A little background on the Long Island Sound 24 Environmental Impact Statement. If you were at 25 the November or January public meetings, that</p>
<p>7</p> <p>1 presentation was specifically on the background 2 of the EIS. This particular project now is a 3 Supplemental EIS, focusing on the eastern part 4 of the Sound. So, EPA designated the Western 5 and Central Long Island Sound Disposal Sites in 6 July 2005. 7 The Army Corps of Engineers has an authority to 8 select sites for short-term use, which is a 9 minimum of two five-year periods. The Army Corps 10 of Engineers selected the Cornfield Shoals Disposal 11 Site and the New London Disposal Site in the 12 1990's. Both of those sites are scheduled to 13 close for use in 2016. In December, specifically, 14 of 2016. 15 In April 2004 EPA and the Corps completed the 16 EIS recommending the designation of CLIS and WLIS. 17 We initiated rule making, and then in June New 18 York State DOS objected to the proposed federal action 19 as inconsistent with the proposed Coastal Zone 20 Management Program, and then in September through May 21 of 2005, the EPA, the Corps, NOAA, New York DOS, and 22 Connecticut DEP negotiated conditions for a 23 site designation rule. What that concluded 24 was the completion of a regional Dredged Material 25 Management Plan, which would be completed by the Army</p>	<p>8</p> <p>1 Corps of Engineers. That's a region-wide Dredged 2 Material Management Plan, which is different than a 3 Site Monitoring and Management Plan. That is a 4 Corps-lead project, and that was scheduled to be 5 completed by 2013 or 2014. 6 We also formed a Long Island Sound Regional 7 Dredging Team to look at alternatives, all under 8 the DMMP umbrella and to review large private 9 dredging projects. 10 Finally, the EPA reports annually on dredged 11 material disposal from private and non-private 12 projects in Long Island Sound for the dredging 13 year. That period is July to July. Now, I'm 14 going to talk about the Supplemental EIS which, 15 again, is focusing on Eastern Long Island Sound. 16 The presentation today and the previous public 17 meetings specifically are only discussing open water 18 options. 19 However, throughout this process and as part 20 of our continued data collection effort, we will 21 look at alternatives, and we will also consider 22 a no-action alternative, which will combine the 23 impact if no action was taken, which means no 24 disposal site designation. 25 For the Supplemental EIS, we initially had</p>

## USEPA PUBLIC MEETING

<p>9</p> <p>1 a public meeting where we issued a Notice of 2 Intent in October 2012. We had a public meeting 3 on November 14th, and again on January 9th to 4 solicit comments on that Notice of Intent. 5 We also have Cooperating Agency members, several 6 are in the room, and we held Cooperating Agency 7 meetings on January 8th, May 20th and June 18th. 8 Part of our process is to continue to compile 9 a literature and data gap analysis, and Bernward 10 will present some of the data using the Geographic 11 Information Systems. This is an on-going project. 12 We will continue to update the data as it becomes 13 available electronically. 14 In addition, there is a physical oceanographic 15 study conducted by the University of Connecticut. 16 That was initiated in March 2013, is on-going and will 17 continue through December, at which point, part 18 way through the process there will be some data 19 available. And that project is putting buoys into 20 Long Island Sound to collect more information on 21 currents and velocities and a lot of, kind of, the 22 physical oceanographic information that we need 23 to have as part of this process, and Bernward will 24 get into more detail with that when he presents a 25 slide.</p>	<p>10</p> <p>1 So, right now I'll introduce the cooperating 2 agency partners. We have two types, they're 3 cooperating agencies, and they've agreed to be a 4 cooperating agency, and then we have coordinating 5 agencies. It's EPA Regions 1 and 2, New York DOS, 6 New York DEC, Connecticut DEEP, Connecticut DOT 7 who is also funding the project, Rhode Island CRMC 8 and the Army Corps of Engineers of the New York 9 District and the New England District, as well as 10 NOAA and the United States Coast Guard. 11 Coordinating agencies, which means that we 12 send all of the information to them but we don't 13 have to commit to come to the meetings but they 14 are part of the process, which includes the Fish 15 and Wildlife Service, and the Navy. 16 Finally, additional coordination is going to 17 continue throughout the process with Tribes and 18 State Historic Preservation Officers. Right now, 19 we solicited the Tribes and SHPOs to be part of 20 our cooperating agency partnership, and they have 21 not agreed to do that. So, we're going to 22 continue to coordinate with them separately. 23 Next, and this was presented at the last 24 public meeting, our schedule, our estimated 25 schedule right now is to have a draft Supplemental</p>
<p>11</p> <p>1 Environmental Impact Statement by December 2014, 2 followed by a final SEIS by December 2015. 3 That assumes that in the Environmental Impact 4 Statement, we recommend that one or more sites 5 be designated. If that is the case all final rule 6 making and the final Environmental Impact Statement 7 would be completed by December 2016. 8 The next slide lists the process. So, 9 initially when we had our original Scoping 10 Meetings we discussed what the process would 11 cover, so that's the scoping. We've already 12 determined what the Zone of Siting Feasibility 13 was going to be. We determined to 14 incorporate some of Block Island Sound so that 15 we could use the studies and the reports and 16 data collected as part of the DMMP for this 17 effort. 18 The next step is to identify data needs for 19 existing sites and identify potential other sites 20 and alternatives. Then we get into the site 21 screening, assess data needs, we collect 22 additional data, we narrow down the sites and 23 then we perform an environmental impact analysis. 24 The final result will be a draft Environmental 25 Impact Statement, which will have several</p>	<p>12</p> <p>1 different reports as part of that package. 2 Right now we are in the screening and 3 identifying data needs and data collection 4 phase. Some of the Dredged Material Management 5 Plan studies that the Army Corps of Engineers have 6 completed, that we would use for this effort, 7 was the Dredging Needs Report, which was completed in 8 October 2009. That determined that 13.5 million 9 cubic yards will be dredged or there is a need to 10 dredge from Eastern Long Island Sound, harbors and 11 channels, over the next twenty-six years, which 12 will go out to 2028. 13 The other report that we've used to date is 14 the Upland Beneficial Use and Sediment De-watering 15 Reports, which were completed in 2010. There were 16 two separate reports, the first one was in 2009, 17 and this determined that there were very few 18 alternatives to open water disposal in Connecticut 19 and most of those were beaches and very few 20 upland areas. So, we're going to evaluate that as well, 21 using the information that they've provided. The 22 DMMP studies and reports are available on the Army 23 Corps of Engineer's New England District website. 24 Again, the Zone of Siting Feasibility was 25 selected to incorporate the DMMP studies and it</p>

## USEPA PUBLIC MEETING

<p>13</p> <p>1 goes from Guilford to Mattituck Point, and on the 2 east, it's Block Island to Point Judith, and this 3 includes Block Island Sound. The next slide shows 4 you the active sites. By active we mean are being 5 used but the Cornfield Shoals and New London Disposal 6 Sites are not designated by EPA. They have been 7 selected by the Army Corps of Engineers. That 8 is a distinction, when you look to the east and 9 you see the Rhode Island Region Dredged Material 10 Disposal Site, that has been designated by EPA. 11 So, that has been designated. We went through a 12 similar process as what we're doing here. 13 An Environmental Impact Statement was completed 14 for that. 15 So, one of the approaches that we use for 16 screening is to consider specific criteria as they 17 are listed in the Marine Protection Research and 18 Sanctuaries Act, which we call MPRSA. There are 19 five general criteria and eleven specific 20 criteria, and the screening levels and how we 21 would approach the screening is that we would do 22 an initial screening of areas that are potentially 23 acceptable to serve as a dredged material disposal 24 site. Then we would further evaluate those areas 25 using additional data which could include</p>	<p>14</p> <p>1 additional field work or may include the GIS 2 layers. It's a combination of as much data 3 as we can get, and then that evaluation screens 4 out different potential sites. 5 So, I'll quickly -- and this is a very busy 6 slide, but these are the eleven specific criteria. 7 EPA must designate a site so that it meets these 8 criteria. The first is geographic position, depth of 9 water, bathymetry, it must be geographically 10 located with a certain distance from the coast. 11 The second item is that it must be located in 12 relation to habitat and fishery so that it does not 13 interfere with habitat or fisheries. The third 14 item is the same. It must not interfere with 15 beaches, public use areas. So, the location is 16 very important. The fourth item is types and 17 quantities of disposal. We need to consider 18 the feasibility of monitoring and surveillance 19 of the disposal site. We have to consider mixing 20 characteristics and dispersing dredged material 21 including velocities and wind directions. We have 22 to consider number seven, the cumulative effects 23 of a disposal site as well as previous disposal 24 sites and historic discharges. For number eight, 25 we have to make sure it doesn't have any</p>
<p>15</p> <p>1 conflicting uses, which could be interference with 2 navigation and interference with recreation or 3 fish and shellfish culture, or special purpose 4 areas, or any other areas in the ocean designated 5 to serve another purpose. We have to make sure 6 that there are no conflicting uses. For number 7 nine, we have to look at the ecology and the existing 8 water quality, and then the potential for nuisance 9 species to develop. So, this would be water 10 quality and ecology, and to make sure that there's 11 no interference from new species being brought into 12 the disposal site. The last item, number 13 eleven, is to look at the close proximity of the 14 site to any natural and cultural or historic 15 features. That's when we'll ask the Tribes to give 16 us a consultation. Sometimes there are culturally 17 significant areas that are not documented in the 18 literature, so, we'll ask them for specific 19 review of everything. 20 The next slide talks about the five general 21 criteria. Again, conflicting uses is number one. 22 We have to minimize interference with other uses. 23 Number two is we need to look at the conditions so 24 that the environmental conditions are not reduced 25 before reaching any shorelines or shellfishery.</p>	<p>16</p> <p>1 The third is the site use. We need to look at 2 the sites, and if at any time during this process 3 we determine that a site that we previously 4 approved does not meet any of these conditions, 5 that site can be terminated, when an alternate site 6 is designated. Then historically used sites. The 7 EPA, wherever feasible, will try to use a historic 8 site, or historically used site, or if feasible go 9 to the Continental Shelf. 10 So, part of the discussion today is going to 11 focus on some historic sites, and you will notice 12 in the slides that every site has exactly the same 13 square box. That box does not reflect the dredged 14 material or the use of that site. It was just a 15 way to visually interpret it for you. Each 16 historic site has a different type of disposal, 17 has a different volume of disposal and the Army 18 Corps of Engineers is going to continue to compile 19 that data for us. 20 I'm going to hand it off to Bernward now, 21 who is going to discuss some of the slides and 22 some of the GIS data that we have collected. 23 Thank you. 24 MR. HAY: Thanks Jean. So, as Jean 25 mentioned, I'll be going over some of the data</p>



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<p>17</p> <p>1 that we've been collecting over the last several 2 months and since last year, actually. 3 Please note that this is work in progress. 4 Again, the idea is to narrow down the areas that 5 ultimately would have an area for potential 6 designation of a site. So, on the next slide 7 you see a number of examples of the types of data 8 that we have been collecting. These data have 9 been entered into the GIS if that's possible. 10 There will also be data that can not be entered 11 directly into the GIS. What we are going to show 12 today are the data that have been entered into the 13 GIS for screening purposes. There are three 14 groups of data that I would like to present. 15 The first cluster of data would be used for site 16 screening. This is a Sedimentary Environment. The 17 second cluster is Areas of Conflicting Uses, 18 and the third is Biological Resources. In those 19 individual clusters is bathymetry, for sedimentary 20 environment, bathymetry, currents and waves which 21 affect the bottom stress, and we'll get back to 22 that term a little bit later. There is sediment 23 texture, which is grain size, which affects the 24 resuspension potential, as well as the habitat of 25 the environment.</p>	<p>18</p> <p>1 Can you all see the screen on the left, to the 2 left of me? I have a one pointer that I'm going to 3 use on that screen here. I hope you all can see 4 that. 5 The second cluster is Areas of Conflicting 6 Uses and we have infrastructure, such as cables 7 and pipelines, navigation such as shipping lanes, 8 and anchoring areas. Then there's recreation in 9 the waters. We have recreation areas that have 10 been identified. There's also recreational 11 navigation. Then there are conservation areas 12 and that's a broad term that covers a wide variety 13 of features such as sanctuaries, refuges, National 14 Seashores, parks, artificial reefs, etc. The last 15 one here is cultural and archeological resources. 16 The third cluster is Biological Resources such 17 as shellfish beds, benthic community, fish 18 habitat, fish concentration, fishing areas and 19 lastly, breeding and spawning, nursery, and feeding 20 habitat in the project area. 21 This is a reminder for what Jean just 22 mentioned. This slide shows the active disposal 23 sites as well as the historic disposal sites in 24 the Zone of Siting Feasibility outlined with a black 25 line, going from about Guilford to about</p>
<p>19</p> <p>1 Mattituck, Montauk, Block Island and up to Point 2 Judith. 3 This entire area here is in our Zone of Siting 4 Feasibility. Again, these locations show historic 5 sites, which include the Clinton Harbor Disposal Site, 6 Six Mile Reef Disposal Site, Orient Point Disposal 7 Site. Then we have the Niantic Bay Disposal Site 8 in this location. There are two disposal sites in 9 Fishers Island Sound, and we have the Block 10 Island Sound Disposal Site over here. The two red 11 ones, again, are the two active sites, the New London 12 Disposal Site, as well as the Cornfield Shoals 13 Disposal Site in this location. 14 So, I'd like to show a few slides for each 15 of those clusters that I've mentioned before. The 16 first one is the sedimentary environment. Shown here 17 is the bathymetry of the Zone of Siting 18 Feasibility; again on all slides it is outlined by these black 19 lines on the side. We also show on all of these 20 slides the State boundaries, crossing the Long 21 Island Sound here, and crossing Block Island Sound 22 over here. 23 In addition all of these slides will have 24 the historic and active disposal sites marked 25 with either a solid box or a dashed box, like in</p>	<p>20</p> <p>1 this case; here is the historic Clinton Harbor Disposal Site 2 with a dashed box and there's the Cornfield Shoals Disposal 3 Site. 4 So, basically what you see here is a brief 5 definition of our project area. You see a fairly 6 uniform water depth in Block Island Sound. 7 You see a variety of water depths in Eastern Long 8 Island Sound, marked by more purplish colors. 9 This area here is the Race, where faster tidal 10 currents result in some erosion in this 11 area, resulting in deepening in essence, creating 12 the bathymetry that you see in this location here. 13 The line here, this line here is an eighteen 14 meter contour line, and everything between this 15 line and land is shallower than eighteen meters. We'll 16 come back to that water depth a little bit later. 17 This is a close-up of the Eastern Long Island 18 Sound. The data that I showed you before are 19 based on NOAA data that were collected and have 20 been modified by a firm called DAMOSVision, who 21 provided that image that you saw. Shown here are 22 very high resolution data that NOAA and the 23 US Geological Survey have been collecting. They are 24 called multibeam data. These provide a tremendous 25 wealth of information with regards to details</p>

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<p>21</p> <p>1 on the morphology of the substrate, and the features 2 that you can see in different locations. You 3 can't quite see it here but if you go further into 4 the details of this data, you see things like sand 5 waves and things like shipwrecks in fine detail. 6 This is going to be a useful tool for us in the 7 site screening process. 8 At this point the data have been processed, as 9 you can see here, for the Eastern Long Island 10 Sound. Also data are available for the Block Island Sound; 11 those data are still being processed by the USGS, and NOAA 12 and those should be available at some point as 13 well for us to use in the screening process. 14 This slide shows tidally-driven bottom stress. 15 Basically, sediment responds to forces acting on 16 the ocean floor. If you have high forces, 17 logically you get resuspension of sediment that 18 is being transported for a certain distance. So, 19 a tidally-driven bottom stress is basically the 20 force acting on the sediment, and it is a function 21 of current speed as well as the roughness of the 22 sediment on the ocean floor. What you see here is 23 based on model results. There's not a lot of data 24 available. There is some data available, but in 25 essence additional data are needed.</p>	<p>22</p> <p>1 What you can see in different colors here are 2 areas, like the Race, with more yellowish colors, 3 indicating greater bottom stress, and that's a 4 function of the faster current that exists in this 5 location here. You can also see some areas in the 6 central part of the Eastern Long Island Sound that also 7 have slightly elevated bottom stress values, 8 relative to, let's say, Block Island Sound or this 9 part of Eastern Long Island Sound. 10 So, in order to address the missing 11 information that we need to have in order 12 to conduct the site screening and then also the 13 investigation for this project, we have initiated 14 a physical oceanography study. You can see here 15 super-imposed on the slide with the historic 16 and active sites, you can see instrument buoy 17 locations. Those have been deployed at this point by 18 the University of Connecticut, and it's a study that 19 will go on throughout the year. The instruments 20 are in the water and there's going to be a second 21 phase of this study later on in the fall to 22 capture the meteorological conditions that exist 23 in the winter time. 24 A total of eleven buoys, each of these 25 instrument buoys have a variety of instruments</p>
<p>23</p> <p>1 and each of those instruments provide a variety 2 of parameters that would ultimately be used to 3 conduct the modeling to give us bottom stress 4 information that is based on actual data. 5 So, the next cluster of screening criteria 6 I'd like to talk about is Areas of Conflicting 7 Uses. I'll show you where we are up to this point. 8 The first slide shows cables and pipelines that 9 exist in the Zone of Siting Feasibility. Marked 10 yellow are pipelines. I'm sorry. are cables 11 like this cable here and these cables here, or 12 cable corridors, within which there are cables 13 located as well. 14 The broader areas like this one here and 15 this one here, again, these are corridors that 16 contain cables. There are only very few pipelines 17 in the project area. In fact, you can see one in this 18 little corner. If you can't see that there; same 19 over here. So, in other words, there aren't 20 really any pipelines that we need to be concerned 21 about in this project, in the project area. 22 The next slide shows commercial vessel 23 traffic. This is based on US Coast Guard data 24 that has a Nationwide automated, Automatic 25 Identification system database. In essence,</p>	<p>24</p> <p>1 the features in orange, in darker orange, 2 indicate areas of higher vessel traffic and again, 3 the lighter it becomes, the less traffic there is. 4 What you see here is a lot of traffic going east to 5 west and some traffic going into the harbors, in 6 mostly Connecticut but also in New York, at Orient 7 Point mostly. Superimposed on that are also the 8 ferry lines, like the Orient Point Ferry, as well as 9 ferries that go over to Block Island and so on. 10 One more comment here, you can also see 11 anchoring areas, like this anchoring area here, 12 which is west of the Niantic Bay Disposal Site. 13 There's an anchoring area down here in Block Island 14 Sound, and finally there's a navigation corridor 15 that this little sliver over here, that has 16 been identified by NOAA and on their charts. 17 The next slide shows recreation and also shows 18 recreational navigation. You can see that compared 19 to the previous slide, most of the navigation or 20 recreational navigation is close to the shore, and 21 in the embayments, which makes sense -- people go out 22 fishing and so on. The data are based on a 2012 23 Northeast Recreational Boater Survey, that was 24 conducted by SeaPlan and the Northeast Regional 25 Ocean Council in partnership with State coastal</p>

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<p>25</p> <p>1 management programs and State marine trades 2 associations in the Northeast.</p> <p>3 Also, in this slide you can see public beaches 4 with these red circles. Those were beaches that 5 were identified in the Dredged Material Management 6 Plan that was prepared a number of years ago. 7 These are public beaches. Not all of them are 8 private beaches.</p> <p>9 This slide shows conservation areas. As 10 I mentioned before, it captures a number of 11 different areas. It includes sanctuaries, 12 seashores, parks and artificial reefs, etc. This 13 is where we are at this point. There's additional 14 data that's available that we still are trying to 15 obtain that will be added to this slide, but what 16 we have here at this point is this, is we have 17 NOAA data on reefs, shoals, as well as deep sea 18 coral sites that have been identified by NOAA. 19 Those are the ones in orange circles or squares, 20 reefs or rocks. Then you can see these two sites 21 here which have been identified by NOAA as deep 22 sea coral sites.</p> <p>23 We also have information from a database 24 in New York for cultural and significant natural 25 features. We have boundaries of the</p>	<p>26</p> <p>1 Waterfront Revitalization Program in New York. 2 It's a very busy slide, I apologize. You can see 3 it, perhaps, on your handouts. Again, these 4 outlines here represent the boundaries for the 5 local Waterfront Revitalization Program.</p> <p>6 We have information of migratory waterfowl data. 7 We have natural diversity areas identified in 8 Connecticut, as well as preserves and refuges. 9 Just one quick note. Most of these conservation 10 areas are really close to shore, so it would be 11 less than eighteen meters which is a number I will get 12 back to in a second.</p> <p>13 The next slide shows what we have 14 available so far for archaeological and 15 cultural resources. Those are data based on 16 NOAA's database. It includes in black triangles, 17 it includes shipwrecks. It includes, as red 18 circles, includes other obstructions most likely 19 rocks or similar kind of features. So, for 20 example, if you look at the Clinton Harbor 21 Disposal Site here, a historic site, it has two 22 shipwrecks in there, and there are two obstructions in 23 red circles and those will be features if we were 24 to go into this area, we would want to take a 25 closer look at it.</p>
<p>27</p> <p>1 The next cluster of criteria pertains to 2 biological resources. The first slide here 3 consists of a number of different biological 4 resources. Shown in purple are shellfish 5 beds. You can see the shellfish beds here along 6 the coast of Connecticut. You can also see 7 shellfish beds in Peconic Bay in New York.</p> <p>8 Some information that we've been gathering for 9 this part of the shoreline here, has not been 10 added yet. This includes, by the way, not just shellfish 11 beds that occur naturally but also includes 12 aquaculture beds which exist. Quite a few exist, 13 from what I can understand, in Peconic Bay.</p> <p>14 In addition it includes zoning and 15 regulations. Specifically for Connecticut you 16 see a green zone here. That's a zone that's 17 approved zone for shellfishing. You see a 18 yellowish zone here. That's a conditionally 19 approved shellfish -- restricted shellfishing zone 20 and then you see this zone here that's a conditionally 21 restricted shellfishing area. So, there are a number 22 of different zones in the project area with regard 23 to shellfishing. Again, we have some additional 24 information here for the northern part of Connecticut 25 that we are integrating into this database that's</p>	<p>28</p> <p>1 not on that map yet. Shellfishing around Plum 2 Island, for example, has not been approved. 3 Shellfishing is also not approved in these two 4 areas which are the active disposal sites.</p> <p>5 Okay. With that, just to give you an 6 idea of how we ultimately screen the project area 7 for potential sites. We basically overlay that 8 information and find out which areas remain that 9 could be suitable sites. What you see here as 10 black, these zones that are black basically have 11 water depths that are shallower than eighteen meters. 12 Eighteen meters has been used in Western Long 13 Island Sound and Central Long Island Sound. 14 EIS as a screening depth. It was basically 15 chosen as -- there's a minimum navigation depth 16 that needs to be kept in mind for vessels, 17 commercial vessels mostly. In addition, shallow 18 sites are more susceptible potentially than deeper 19 sites, depending on the exposure to waves and 20 wind, and more susceptible to resuspension of 21 sediment.</p> <p>22 So, for the EIS in the Central and 23 Western Long Island Sound, a depth of eighteen 24 meter was chosen as a zone to screen out. So, if 25 you superimpose that zone onto the Zone of Siting</p>

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<p style="text-align: right;">29</p> <p>1 Feasibility, again, the black area is what you  2 end up with as the zone that is screened out.  3 Incidentally, and I mentioned that before  4 many of the coastal resources, conservation areas  5 and shellfish beds, for that matter, happen to be  6 within that zone. What you also see on this  7 particular example of an overlay, you see the  8 shellfish zones, like this zone here, is the  9 approved shellfishing area for Connecticut, so you  10 would not want to consider that as a potential  11 siting area. You see also cables overlaying  12 here as well. Again, that's just one example  13 of how we can later on synthesize the data.  14 An additional factor to keep in mind in the  15 siting process are economic considerations.  16 What you see here are the dredging centers in  17 Connecticut and in New York, as well as Rhode  18 Island. These data were obtained from the DMMP  19 Report on Dredging Needs from 2009 and reflect the  20 dredging needs for the next twenty years, starting  21 in 2009. The largest circles reflect greater  22 needs. So, this is a large circle. Smaller  23 circles reflect smaller needs. In other words,  24 the smaller circles are proportional to the needs  25 by the individual dredging centers. So, we can</p>	<p style="text-align: right;">30</p> <p>1 take a closer look at what are Federal and  2 Non-Federal projects by taking a look at the  3 different colors. What is important for this  4 purpose is, again, the size of the circles  5 determines the amount of the material that would  6 ultimately need to be dredged, or is anticipated  7 to be dredged over the next twenty years.  8 So, again I mentioned that this matters  9 as well. We have an example here of what kind  10 of distances you have from the individual dredging  11 centers. Specifically, in this case we used the  12 Connecticut River dredging center, which is right  13 about here, and measured the distances to existing  14 disposal options. Those would be the Rhode Island  15 Sound Disposal Site, located here. The distance  16 would be forty-five miles. The second example would  17 be -- Again, this would be this distance here. The  18 second location is the New London Disposal Site,  19 and the distance to the site would be twelve miles.  20 Cornfield Shoals Site, that would be five miles. The  21 Central Long Island Sound Disposal Site, which is not  22 shown, it would be about here, is about  23 twenty-six miles and if, as Jeannie mentioned, if  24 you go out to beyond the edge of the Continental  25 Shelf, beyond the two hundred meter contour line,</p>
<p style="text-align: right;">31</p> <p>1 basically going south, way down to the carpet here  2 basically, the distance would be about seventy-five  3 miles.  4 So, that's important. It also is important  5 from an environmental point of view because the  6 longer the travel distance is, the greater the  7 chance that you have an accident and that you have  8 what they call in the business short dumps, which means  9 the barge can accidentally release material, get  10 stuck in waves and storms, and so on. Again, that's a  11 consideration to keep in mind as well in the  12 screening process.  13 Based on the information that we have  14 collected here so far, and also keeping in mind  15 that there's a preference by EPA to use active  16 and historic disposal sites as preferred sites,  17 areas that are potential sites that have been shown  18 here -- Actually areas that have been identified for  19 further investigation have been shown here with those  20 circles, and EPA will prioritize the data collection  21 at those sites.  22 With that, I'd like to have Jean say a few  23 more words about the next steps and where we go  24 from here.  25 MS. BROCHI: I just make another note on</p>	<p style="text-align: right;">32</p> <p>1 historic sites. As the Army Corps of Engineers  2 compiles more information, and we find out more  3 about those historic events, some of those  4 historic sites will fall off the list. Right  5 now we're including anything that could  6 potentially have been a historic site.  7 So, for the next steps EPA will continue to  8 collect data. We're going to look at our  9 information we have, fill in any remaining data  10 gaps. We will start the assessment on safety  11 and economic issues, continue habitat, which  12 we need a lot of information on. We're going  13 to continue to collect new data for the priority  14 sites, which include sediment, biological  15 resources, and in addition to that we're going to  16 start looking at the preliminary data for the  17 physical oceanographic study. We're going to  18 continue to have meetings. We're going to have  19 another cooperating agency meeting in the fall,  20 and probably another public meeting, a set of  21 public meetings, in the winter.  22 So, the objective today was to provide  23 this information to you, especially the GIS  24 data. We continue to have a need for New York  25 data. It seems that it hasn't been electronically</p>

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<p>33</p> <p>1 available so Jen Street and the folks at New York DOS have 2 been very helpful providing us with information 3 on that. 4 We wanted to get your feedback on the 5 process and any comments that you have that 6 you'd like to share, again. There isn't an official 7 comment period but if you have any comments on 8 what was presented so far or the process 9 we'd appreciate it. I also encourage you, the 10 cooperating agency members are in this room and 11 you have State Representatives as well as Federal. 12 So, if at any time during this process you have 13 comments or questions, you can also go to your 14 State and Federal Reps. Thank you. 15 MR. HAY: So, let's open the floor. 16 Again, as I mentioned before, if you could 17 identify yourself by name and any affiliation 18 that you may have so that we can enter that in 19 the record, that would be good. Any questions? 20 Would you mind coming up? 21 MS. ANKER: Sarah Anker, Suffolk County 22 Legislator, Sixth District. My question, I guess, 23 to you is this, the spoils are coming from Connecticut 24 and Long Island or just Connecticut? 25 MR. HAY: They are coming from</p>	<p>34</p> <p>1 Connecticut and potentially from the area. 2 MS. ANKER: Okay. Are they toxic 3 material? Have they been analyzed for 4 both radioactive waste and, you know, 5 toxic substance chemicals? 6 MR. HAY: Jeannie? 7 MR. BROCHI: So, as part of the 8 regulatory process dredge permits and dredged 9 material that's proposed to be dredged and 10 disposed goes through testing criteria and a 11 screening criteria as well as sampling plan, 12 bioaccumulation, chemistry. So, all of it has 13 to meet certain conditions before it can even be 14 disposed in the ocean, which would not be toxic. 15 It would not contain radioactive material. If 16 we test it and it meets that criteria it belongs 17 in another program and it becomes a different part 18 of the review process. 19 MS. ANKER: So, if it doesn't meet the 20 standard for non-toxic material, you said there 21 was a different program. What's that program 22 and is it the EPA that remediates it or is it 23 the State DEC? 24 MS. BROCHI: It would be the EPA and the 25 Corps of Engineers and if there's material found to</p>
<p>35</p> <p>1 be hazardous material, hazardous waste, it would be 2 one of the considerations. If it was 3 radioactive material, it would go to a Superfund/CERCLA 4 upland type of a review. It would not 5 go into the ocean. 6 MS. ANKER: If anyone has questions while 7 I'm up here. Could that dredged material be 8 recycled if it's not toxic and since so much sand 9 is being taken off Long Island, to make cement and 10 to make other types of materials, can that sand or 11 dredged material be recycled? 12 MS. BROCHI: I'm going to let Mark speak 13 to that, but yes, what we consider recycling of 14 sand is beneficial use. There are several different 15 types of treatments that they use on the sand to 16 make it readily available for commercial use. This 17 is Mark Habel from the Army Corps of Engineers. 18 MR. HABEL: Mark Habel from the New 19 England District Corps of Engineers. The New 20 England District handles dredging in Rhode Island 21 and Connecticut. The New York District handles 22 dredging in New York and parts of New Jersey. 23 When we look at dredging projects, we first 24 have to look and see if there's a beneficial use 25 for that dredged material. If it's sand,</p>	<p>36</p> <p>1 certainly, and there are adjacent or nearby beaches 2 that the owners or the Town or State that runs 3 those beaches want that material on the beach, 4 certainly we look to put it there first. 5 We don't always bear the full additional cost 6 of placing that material on the beach. But usually, 7 if there's a need, money from both the Federal, 8 State and local governments make sure that that 9 sand gets used on the beach. If it's not sand, 10 and it's still not toxic, before we can place it 11 in ocean we have to look at practicable 12 alternatives. Can we build marshes with it? Are 13 there other needs upland for landscaping material, 14 we can process the material. We'll look to do 15 those things. If none of those opportunities 16 exist, then we look at putting it in the ocean. 17 MS. ANKER: How is this different than 18 the dredge dumping issue that we had, probably, 19 about seven years ago? Maureen, wasn't it about 20 seven years ago when we did the dredge dumping? 21 MS. DOLAN-MURPHY: 2005 the agreement was 22 signed between New York and Connecticut, and the 23 intent of that agreement was to stop the dumping 24 of dredged material in the Long Island Sound. 25 This whole process is very frustrating.</p>

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<p>37</p> <p>1 MS. ANKER: So, how is this different</p> <p>2 than what was happening in 2005? Is the dredged</p> <p>3 material not toxic, because I thought it was</p> <p>4 pretty toxic in 2005.</p> <p>5 MR. HABEL: No, it wasn't. Back in 2005</p> <p>6 and even long before, the testing regimen that</p> <p>7 the EPA oversees and the Corps goes through was</p> <p>8 followed. It has been many decades since anything</p> <p>9 that failed chemical and biological testing was</p> <p>10 allowed to go in the water.</p> <p>11 MS. BROCHI: I guess I'll add to that.</p> <p>12 The 2005 agreement that you're talking about is</p> <p>13 what I referred to earlier, where the EPA proposed</p> <p>14 to select a designation of a disposal site and the</p> <p>15 agreement was that we would reduce or eliminate</p> <p>16 disposal in Long Island Sound. That is part of</p> <p>17 the effort, which is the Dredged Material</p> <p>18 Management Plan that all of the agencies are</p> <p>19 involved in and continue to. That is on-going.</p> <p>20 MS. ANKER: So, again, there will be no,</p> <p>21 if not very little environmental effect with this</p> <p>22 dredged material being dumped, being disposed of</p> <p>23 in the areas that you designated?</p> <p>24 MS. BROCHI: That's a great point and I</p> <p>25 did not capture that earlier. So, this process</p>	<p>38</p> <p>1 from an EPA standpoint is to designate a disposal--</p> <p>2 or look at the potential to designate a site.</p> <p>3 It does not authorize dredged material disposal.</p> <p>4 That happens separately through permitting. So,</p> <p>5 the sites that are currently active that have not</p> <p>6 been designated would not receive dredged</p> <p>7 material, but the sites that continue to be used</p> <p>8 Cornfield and New London, will continue until they</p> <p>9 close in 2016.</p> <p>10 MS. ANKER: Those waters, are they part</p> <p>11 of Long Island or are they Connecticut?</p> <p>12 MS. BROCHI: They are in Connecticut</p> <p>13 waters of Long Island Sound. They are on the</p> <p>14 Connecticut side. There are on both -- corner.</p> <p>15 MS. ANKER: Can you change that and</p> <p>16 just have it on the Connecticut side?</p> <p>17 Honestly, it will not make a difference because</p> <p>18 Long Island Sound is Long Island Sound. We share</p> <p>19 whatever goes in there. I have personal concern</p> <p>20 as well as some of the people here today that the</p> <p>21 dredged spoils may not be safe for the Long</p> <p>22 Island Sound and we have a, now bear with me, I</p> <p>23 believe it's a 4 billion dollar tourist, not</p> <p>24 tourist, but economic impact to Long Island.</p> <p>25 Excuse me?</p>
<p>39</p> <p>1 MS. DOLAN-MURPHY: It's 8.5 billion.</p> <p>2 MS. ANKER: I knew it was billions,</p> <p>3 but I was a little off. We have to protect</p> <p>4 that because it's a huge part of Long Island.</p> <p>5 I'm going to let you answer that but please I</p> <p>6 encourage more people to come talk.</p> <p>7 MS. BROCHI: And so the question is, will</p> <p>8 this process affect that?</p> <p>9 MS. ANKER: Yes.</p> <p>10 MS. BROCHI: One of the things that we</p> <p>11 consider in the impact statement is the economics</p> <p>12 which in this case would include New York and</p> <p>13 Connecticut. It's the economics of marinas</p> <p>14 and folks that need to dredge, and the need for</p> <p>15 safety of navigation channels as well as economics</p> <p>16 of the towns and any effects of that. That's why</p> <p>17 it's an Environmental Impact Statement. We will</p> <p>18 consider the impact of all of these aspects.</p> <p>19 Any other questions?</p> <p>20 MR. HAY: Yes, there's one question</p> <p>21 here. Could you identify yourself and maybe come to</p> <p>22 the front too so everybody can hear.</p> <p>23 MS. BROCHI: If you don't mind.</p> <p>24 MR. HAY: If you don't mind.</p> <p>25 MS. DOLAN-MURPHY: Maureen Dolan-Murphy</p>	<p>40</p> <p>1 at Citizens Campaign for the Environment. I do</p> <p>2 find this process frustrating because in 2005 that</p> <p>3 agreement was signed, and the intent of that</p> <p>4 agreement was to stop open water disposal, yet</p> <p>5 here we are again today looking at open disposal</p> <p>6 as our answer. The Army Corps of Engineers was</p> <p>7 supposed to come up with a Dredged Materials</p> <p>8 Management Plan. That plan still has</p> <p>9 not been released.</p> <p>10 So, we're supposed to be looking at beneficial</p> <p>11 re-use of dredged material, yet we're moving</p> <p>12 forward with this process before the Army Corps is</p> <p>13 finished with their process. So, where is the</p> <p>14 Army Corps process? When is that document coming</p> <p>15 out and how is that going to be incorporated in</p> <p>16 the EIS? When are we going to start getting real</p> <p>17 about beneficial reuse and stop looking at dumping</p> <p>18 as the answer?</p> <p>19 MR. BROCHI: I'll take the first part</p> <p>20 of that and then I'll pass it on to Mark.</p> <p>21 So, thank you. One of the aspects of the</p> <p>22 Environmental Impact Statement is to look at</p> <p>23 cumulative effects, and so part of this effort</p> <p>24 is going to be to investigate the active sites.</p> <p>25 In addition to what's normally monitored by the</p>



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<p style="text-align: right;">41</p> <p>1 Corps of Engineers through the DAMOS Program,  2 we're going to look at the cumulative effects,  3 if there are any, at the sites.  4 In addition to that, because of this agreement  5 and the goal to reduce or eliminate open water  6 disposal, the agencies have come together and  7 made a lot of progress looking at alternatives  8 and looking at upland disposal and we're going to  9 figure out a way for the States to come together  10 and find alternatives to open water disposal and  11 that's an on-going process. We are a lot further  12 ahead then we were in 2005 looking at that as part  13 of this agreement.  14 I'll let Mark talk about the DMMP specifically  15 but these studies being conducted for the DMMP,  16 are going to be used in the SEIS and help inform  17 that process.  18 MR. HABEL: Thank you, Jean. The  19 Dredged Material Management Plan is on-going.  20 We have completed all of our alternative site  21 identification. We have completed all of our  22 dredging needs analysis. In other words, where's  23 the dredged material coming from? What it's  24 likely quality is, over what time line? Does it  25 need to be dredged and is something found to do</p>	<p style="text-align: right;">42</p> <p>1 with it?  2 We are in the process of developing the  3 screening process that will match that stream  4 of dredged material with the available disposal  5 alternatives, whether they are in water or not  6 in water. We are doing that through the Long  7 Island Sound DMMP Working Group, of which Citizens  8 Campaign is a participant. We've been through the  9 first phases of what the various groups involved  10 in the working group think of, the different  11 resources that might be impacted. The next step  12 as I said is to take all of that information,  13 including cost information, and put it against  14 trying to match harbor sources to disposal  15 opportunities. The bias will be towards  16 beneficial use. However, beneficial use is not  17 free. People have to be willing to pay for  18 it. So, cost will be a practicality issue  19 as well as things that go into costs, like haul  20 distances, types of equipment that are available,  21 whether or not different treatment technologies  22 have advanced at this point to be practicable  23 from a cost standpoint. There's a lot of work  24 on-going in New York and New Jersey Harbor,  25 looking at those and we'll draw on those</p>
<p style="text-align: right;">43</p> <p>1 experiences as well.  2 We expect that a draft of the DMMP will  3 be available sometime the first quarter of  4 calendar year 2015, or perhaps as early as late in  5 the last quarter of calendar year 2014. That's  6 our time line and Citizens Campaign is  7 a participant in the working group. You'll see it  8 go through each step of the process.  9 MS. BROCHI: I have two more things,  10 quickly, just to add to that. So, again, I  11 want to reiterate that the Environmental Impact  12 Statement is a study. This is going to be a study  13 for a few years. We're looking at the impact of  14 designated disposal sites. So, yes, everything  15 that is mentioned here, we're going to  16 investigate.  17 So, it does not authorize disposal. It does  18 not mean that disposal will occur. It means that  19 we're going to investigate everything including  20 alternatives. Another point is any material  21 that is going out to disposal sites right now, is  22 non-toxic. It's considered -- it's scrutinized  23 under our criteria, under our testing, and it has  24 to meet both the Corps of Engineers, and the EPA  25 and the State approval process.</p>	<p style="text-align: right;">44</p> <p>1 One benefit of this effort, that I want to  2 just point out to everybody is that the data  3 that we're collecting, whether it's GIS data or  4 whether it's fisheries data, is going to be  5 available to all of the States to use, and it's  6 information that we don't have. This physical  7 oceanographic study is going to provide us with  8 so much information for the Sound overall, which  9 means that the Estuary Program, Long Island Sound  10 Estuary Program could use that information. This  11 information will be available for programs and  12 other states to use.  13 MR. HAY: Question from the back?  14 MR. KRUPSKI: Al Krupski, Suffolk County  15 Legislator. The question is, we talked about  16 all the data and everything and you're going to  17 have more meetings in the fall, but how do you  18 get the data out to people? First of all, how do  19 you collect it because if you're collecting it  20 for a very narrow range, that's what you're going  21 to analyze. That's what you're going to put in  22 the report. That's all you're going to  23 distribute and people are going to believe  24 that's all there is. So, how do you -- you know,  25 specifically one thing, Suffolk County has a</p>

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<p style="text-align: right;">45</p> <p>1 leasing program for aquaculture, and that's</p> <p>2 not mentioned in there. If you can contact</p> <p>3 Suffolk County Planning I think they'd be happy</p> <p>4 to give you more information about that.</p> <p>5 How do you get the information out so</p> <p>6 that when we have a meeting in the fall people</p> <p>7 can review it beforehand? It's good to get this</p> <p>8 out at the meeting, but it's hard for people to</p> <p>9 actually review it and then comment on it.</p> <p>10 MS. BROCHI: Thank you. So, part of the</p> <p>11 process is to solicit information and any data</p> <p>12 that anybody has or if you know that there's</p> <p>13 information that we haven't addressed, this is</p> <p>14 one way to do it, in a public venue. Once we</p> <p>15 have the data, and right now we're still working</p> <p>16 through the GIS layers because if the data exists</p> <p>17 but it's not compiled into a web-based format,</p> <p>18 or into a GIS format, we wouldn't have access to</p> <p>19 it. So, we're conducting multiple types of data</p> <p>20 retrieval right now, literature search, GIS</p> <p>21 information search, any field work that's out</p> <p>22 there that hasn't been processed, but is data</p> <p>23 that the agencies know exists, and something like</p> <p>24 the Connecticut DEEP fisheries information.</p> <p>25 They're in the field right now collecting data.</p>	<p style="text-align: right;">46</p> <p>1 That data is not available but we know they're in</p> <p>2 the field so as soon as they provide that</p> <p>3 information we'll include it.</p> <p>4 As far as providing this information we're</p> <p>5 going to go through the cooperating agencies,</p> <p>6 hoping to have a late mid-summer, I would say end</p> <p>7 of July, several cooperating agency meetings and</p> <p>8 they can help us get the word out. We also have a</p> <p>9 really big email distribution list. So, if you're</p> <p>10 not on it, please let me know and we'll add you</p> <p>11 to it. We will be sending information on that.</p> <p>12 Any of the presentations that we make will</p> <p>13 be published on the EPA website as well.</p> <p>14 So, we will give you notice before the</p> <p>15 next public meeting and ask for input before</p> <p>16 the fall. So, if the meeting is going to be</p> <p>17 in November, we'll start asking people for</p> <p>18 comments, probably, in the beginning of October, I</p> <p>19 would say. Those dates are subject to change,</p> <p>20 but we will definitely do that. Thank you very</p> <p>21 much. Did we address everybody's comments before</p> <p>22 we take anymore.</p> <p>23 MR. GRAVES: Anthony Graves from the Town</p> <p>24 of Brookhaven. A couple of comments. We are into</p> <p>25 biological resources, I didn't see Colonial</p>
<p style="text-align: right;">47</p> <p>1 Waterbirds listed. So, there's a very important</p> <p>2 Colonial Waterbird colony on Little Gull Island.</p> <p>3 You probably have it in your database but they</p> <p>4 are a Federally listed endangered species breeding</p> <p>5 there.</p> <p>6 Then I would request a review of the watersheds</p> <p>7 that are contributing to the areas to be</p> <p>8 dredged to see how sediment influx into the</p> <p>9 watershed can be minimized over a larger program</p> <p>10 so that dredging in future years, the need for</p> <p>11 dredging is minimized.</p> <p>12 Then I wondered if in the beneficial use</p> <p>13 studies you would look at coastal resiliency, increased</p> <p>14 sea level rise and resiliency to storms, so that</p> <p>15 might affect your cost calculations in terms of</p> <p>16 beneficial reuse, if it is looked at for those</p> <p>17 kinds of projects.</p> <p>18 The last thing I have was the request to</p> <p>19 make the 2004 communications where the New York</p> <p>20 State Department of State objected, and there were</p> <p>21 negotiations and an agreement for the past</p> <p>22 dredging to be incorporated into the EIS so that</p> <p>23 people reading the EIS can be familiar with those</p> <p>24 negotiations that occurred previously.</p> <p>25 MR. HAY: Thank you for your comments.</p>	<p style="text-align: right;">48</p> <p>1 The first comment that you made about the Colonial</p> <p>2 Waterbirds, we'll take a look at that as well,</p> <p>3 and incorporate that as well.</p> <p>4 MR. GRAVES: I'm sorry, I meant to say</p> <p>5 also, marine mammal concentrations. There are</p> <p>6 increasing seal concentrations on Plum Island</p> <p>7 in particular, but also around Great Gull and</p> <p>8 Little Gull.</p> <p>9 MR. HAY: We'll take a note of that as</p> <p>10 well. We will definitely look into marine mammals</p> <p>11 as well in the EIS process. I'll leave it to Jean</p> <p>12 for the other comments.</p> <p>13 MS. BROCHI: As far as the threatened and</p> <p>14 endangered species, that's another aspect of this</p> <p>15 effort that we'll go into greater detail. So,</p> <p>16 there will be a lot more slides provided on</p> <p>17 threatened, endangered species. We go through the</p> <p>18 process called a biological opinion. So, these</p> <p>19 are really preliminary slides right now, the best</p> <p>20 available data so it does not include birds or</p> <p>21 mammals, but we will consider that.</p> <p>22 As far as climate change and sea rise, we</p> <p>23 will be looking at some of that through the aspects</p> <p>24 of the physical oceanography study. When we model, we'll</p> <p>25 take that data and we'll be modeling some scenarios.</p>

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<p style="text-align: right;">49</p> <p>1 We'll include that information. We certainly could  2 respond to the objection, or to have some of that  3 agreement information available through this  4 process. Thank you.  5 MR. HAY: Yes, sir?  6 MR. McGREEVY: I'm John McGreevy,  7 Mattituck. Although you describe that, we  8 went through all of this in 2005, a public meeting  9 in 2005. I sent documentation in 2005 and  10 now we're reviewing it again. I've been on  11 the beach in Mattituck for sixty plus years.  12 Empirically speaking, anything that goes in  13 the water in Connecticut winds up on Long Island  14 beaches. It looks like you have very little data  15 from the New York area. There are no weather  16 buoys on the Long Island Sound on the eastern  17 side. They're all over in Connecticut.  18 When they did the Section 111 study for  19 Mattituck Inlet, they had to use buoys off  20 New Haven. So, the other side of the Sound, and  21 everything is changed. So, I think they have to  22 collect more data from the Long Island side of  23 the Sound. It's an estuary. It's not the ocean.  24 The best place to dump this is off the Continental  25 Shelf, if at all. Thank you.</p>	<p style="text-align: right;">50</p> <p>1 MR. HAY: Thank you. We have the  2 physical oceanographic study that's going on  3 basically provide the data that goes into  4 a model, and the model will cover the entire  5 project area including the Long Island Sound  6 coastal areas. So, the station locations,  7 again, are designed to provide input to that model for  8 the whole area. We're going to make a note of that  9 and make sure you also get all the information for  10 the Long Island side of the Sound incorporated  11 into this process as well.  12 MS. McGREEVY: I wanted to ask one  13 question.  14 MR. HAY: Would you mind stating your name, please?  15 MS. McGREEVY: Doris McGreevy, Mattituck.  16 MR. HAY: Thank you.  17 MS. McGREEVY: Long Island Sound, if  18 you're talking Long Island Sound, do we have a  19 guarantee that the materials, even though you  20 say are non-toxic, if they were non-toxic, do  21 we have a guarantee that they are  22 non-carcinogenic? Because Long Islanders have  23 higher than normal amounts of cancers in the population  24 in that area. I am most concerned with the words,  25 non-toxic. Is it non-toxic to fish? What about</p>
<p style="text-align: right;">51</p> <p>1 food? What about human population that bathes in  2 it and enjoys the waterways and things  3 like that? As was noted, it is a tourist  4 destination. There are a lot of people there.  5 Can you explain a little more about the  6 carcinogenic effects, if at all, when you  7 say non-toxic?  8 MR. HAY: There's a pretty rigorous  9 testing program that that material has to undergo  10 and I'd like to have Jean or Doug Pabst from  11 EPA Region 2 talk about that. Doug?  12 MR. PABST: Right now we're focused on  13 the site designation or the environmental  14 review process of the site receiving the material.  15 Actually maybe this is something that we'll do  16 during the next series of meetings is incorporate  17 more of the testing process. We do a human risk,  18 non-cancer and cancer risk assessment on the  19 material based on consumption, based on ecology  20 and organisms that may be eating material from the  21 dredged material, worms, things like that, and as  22 it goes up the food chain. That's all documented  23 in each particular decision that's made by the  24 Corps of Engineers to let that material go out to  25 the site.</p>	<p style="text-align: right;">52</p> <p>1 It's a two-step process. This is the first  2 step of the process as we look at the site to  3 see whether it meets the various criteria and  4 guidelines to receive the material. Then there's  5 a whole other public review process everytime  6 somebody wants to use that site. Those kinds  7 of questions are asked as part of that process.  8 A public notice is issued, and our record and  9 our decision on that material is available for  10 each particular project we've done.  11 We can send you a copy of our risk assessment  12 that we do as an example, if you're interested you  13 can give your name and address and we can send  14 that. It walks through all of the assumptions  15 that are made to come up with that answer that  16 you're asking for as to how did we make that  17 decision.  18 If you want to look at that you can read  19 through and kind of see how we come to the  20 conclusion it will not cause any of the  21 things that you're concerned about. That might  22 be the best way to handle that. It's very  23 rigorous. I think that was a word that was used.  24 There are a lot of assumptions that are in there  25 in order to make sure that we're keeping ourselves</p>

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<p>53</p> <p>1 on the right side of it, where we don't have 2 certainty in some of the decision process. It's 3 probably something that we maybe need to do a 4 little bit more of as we get closer into this process 5 so people understand what kinds of decisions are being 6 made when we make the decisions. Thank you for 7 your comments. 8 MR. HAY: Any additional questions? Yes? 9 MS. McAULEY-KAICHER: Meg 10 McAuley-Kaicher, Greenwich, Connecticut. Just a 11 comment. Just to say that I hope that we will 12 have less need for moving the dredged material 13 offsite and dumping it and that I appreciate 14 the fact that the Army Corps of Engineers has 15 been very comprehensive in its process and is 16 really is looking at different ways to 17 remediate the silt material and hopefully we 18 will continue to figure out better ways, with the new 19 technologies, to use that material to replenish 20 our coastal assets rather than dumping it 21 offshore. 22 MR. HAY: Thank you for your comment. 23 MR. LEONARD: My name is Dan Leonard, and 24 I'm just a citizen. I have a couple of questions. 25 One, these dump sites would be used by the Corps of</p>	<p>54</p> <p>1 Engineers or by the dredgers also? Number two, 2 who does the testing of this material? Does the 3 EPA do the testing or private lab? Because I 4 remember back on 9/11, sitting in front of a 5 television and people saying, our US Government 6 saying, that when those buildings came down, that 7 air was fine. It was okay to breathe. We found 8 out later it wasn't. 9 Is there going to be rigorous testing of that 10 material that is coming out of the water so that twenty 11 years from now we find out that it really is 12 toxic? 13 MR. HAY: I'm going to have Jeanie answer 14 the first question. The testing, as I mentioned, 15 again, is rigorous. There are regulations that 16 specify on how it needs to be tested. Labs 17 that do perform the testing have to be certified by 18 State and Federal agencies. Jean, do you want 19 to comment? 20 MS. BROCHI: Sure. As far as who 21 disposes at disposal sites, it would be Federal, 22 Non-Federal, and as far as who does the testing 23 it's private labs. As part of the process an 24 applicant will propose dredged material disposal 25 through the Army Corps of Engineers' Dredge and</p>
<p>55</p> <p>1 Fill Permit and EPA would review that, and the 2 Army Corps of Engineers would review that in 3 addition to the States, wherever the disposal and 4 the dredging would occur. 5 As far as the 9/11. I can't speak to that but 6 it's a strict screening process that we 7 go through and material has to be deemed suitable 8 before it can be disposed at a disposal site. 9 One other thing, and I mentioned it earlier, when 10 EPA designates a Dredged Material Disposal Site, 11 we also create what's called a Site Monitoring 12 and Management Plan that's in effect for ten 13 years. That adds another layer of protection 14 and scrutiny to the disposal activity that occurs 15 at that site. Does anyone want to add 16 anything to that? 17 MR. HABEL: No. 18 MS. BROCHI: I hope that answered 19 your question. 20 MR. HAY: Thank you. Yes? 21 MS. PURNELL: I'm not so good on the 22 public speaking, folks. My name is Marguerite 23 Purnell. Let's see, for twenty years I was with 24 the Fisher's Island Conservancy. I worked on the 25 dredged material and disposal issue as a fifty</p>	<p>56</p> <p>1 plus year seasonal resident of Fishers Island 2 and I have seen what has transpired over the 3 years. We have tried to cooperate. I'd like to 4 echo Maureen's comment earlier. There is a 5 certain degree of frustration involved in this 6 entire process because for me -- I'm even more 7 frustrated than Maureen because this goes back 8 to 1977 for us, when there was litigation NRDC 9 v. Callaway, a case that was initiated in part 10 by Fishers Island entities, because of the 11 proximity to the New London Dump Site, and 12 the proximity also of the Race and the material 13 that is spread throughout the area, because 14 there is some additional transport out of the 15 site. Even the Army Corps testing, which is done 16 through their DAMOS Program, has indeed indicated 17 that that material does spread outside the site, 18 or they have found it outside the site. Sometimes 19 they can't explain how it got there but it is 20 there. 21 So, for me, in 1977, the Army Corps was 22 directed to find another site and to stop using 23 the New London Disposal Site. We are almost 24 thirty-five years later we are still in this 25 process and it is still actively used. It was</p>

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<p style="text-align: right;">57</p> <p>1 supposed to have closed in 2011. There was  2 an Act of Congress -- was necessitated to have  3 it be open for another five years while we undergo  4 this process which should have been completed  5 years ago. So, I echo the frustration. I  6 understand that the agencies are trying to do  7 their job. I would also counter, though, the assertion  8 that contaminated material does not actually end  9 up in the Long Island Sound. Toxicity is  10 something that I think the agencies are probably  11 talking about. Acute toxicity, the materials are  12 looked at in two different ways. Beach flees,  13 amphipods, you know the stuff when you turn over  14 the seaweed and those little things that jump  15 around, those are the critters that are usually  16 used for the toxicity testing, for the acute  17 testing. I believe it's a ninety-six hour test  18 and then there's a ten day bioaccumulation test,  19 which is also done, again, on clams and worms and  20 variants that are low on the food chain. There is  21 indeed bioaccumulation, which does occur through  22 other fish species. It's harder to get a handle  23 on some of the impacts on mammal and bird species  24 because they're usually transiting through the  25 area.</p>	<p style="text-align: right;">58</p> <p>1 Also, there are some issues with the DAMOS  2 Study and I understand they're trying to do their  3 monitoring but, you know, they take core samples  4 that they then composite and they blend all of the  5 material together and any kind of hot spots  6 are sort of averaged out and there are some  7 inconsistencies.  8 So, whether or not contaminated material  9 has made it into Long Island Sound, from my  10 prospective, absolutely. Even the Corps will  11 actually agree to that as there have been cases  12 where they've actually gone in to deposit  13 additional Cap material, which they consider to  14 be clean material to cover areas of what they  15 refer to now as UDM, Unsuitable Dredged Material.  16 Thank you George.  17 So, I welcome the process. I hope to be  18 able to participate in the future in a meaningful  19 manner, and I'm glad that you will be receiving  20 comments, even though this isn't a formal comment  21 period. I do thank you for presenting information  22 in the interim, and I do echo another gentleman's  23 statement it would be helpful to have  24 this information before we actually have the  25 meeting. You would get a better bang for the</p>
<p style="text-align: right;">59</p> <p>1 buck in terms of the comments that we can provide to  2 you. I encourage you to keep the public dialog  3 on-going. I also encourage the 2005 agreement  4 which was looking to reduce or eliminate the open-  5 water disposal in the Sound, because I think  6 that's all of us, we all share that goal.  7 Dredged material could be used as a resource  8 in other ways and I'm keeping my fingers  9 crossed. I've been working at this for an  10 awful long time, since 1977 folks, you know,  11 that's really shameful. Thank you.  12 MR. HAY: Thank you for your comment.  13 MS. BROCHI: I was just going to say, for  14 the folks that received a presentation today and  15 if you want to provide comments, it's not just at  16 this meeting, and when you can provide comments.  17 If you have input or you see something on the  18 slide that's missing, feel free to contact anyone  19 of the representatives, specifically me. Doug  20 Pabst in Region 2 would be happy to hear your  21 comments especially now that you have the  22 presentation in front of you. As I stated  23 earlier, we'll send the information out ahead  24 of time so that you can come to the meeting,  25 having already had an opportunity to look at</p>	<p style="text-align: right;">60</p> <p>1 this.  2 MR. HAY: Any additional comments? Yes,  3 sir?  4 MR. KING: My name is Jim King,  5 Commercial Lobster Fisherman from Mattituck, New  6 York, and also a Southold Town Trustee. It's pretty  7 well documented, there is a high incidence of  8 shell disease in crabs and lobsters around  9 all these dump sites. It's been going on for  10 years.  11 I think the bottom line here is open  12 water disposal is the cheapest and easiest  13 way to get rid of dredge spoils. That's really  14 running the program. I know core samples can  15 be combined. You can take a hot sample and  16 combine it in another section so it gets the  17 numbers down and doesn't seem as toxic.  18 I think some of these projects could be segmented  19 so the the amount of yardage, so it doesn't  20 trigger a more serious study. There's a lot  21 of game playing and people are very creative when  22 it comes to saving money. That's all I've got to  23 say. Thank you.  24 MR. HAY: Thank you. As a scientist,  25 I understand what you're saying. I'm a Marine</p>

## USEPA PUBLIC MEETING

<p>61</p> <p>1 Geologist and one of the important elements 2 in an assessment like that is to make sure that 3 what you analyze is indeed representative of 4 what the site is all about. 5 So, we'll make sure that we look at the 6 information in a manner that actually reflects 7 the conditions on the site. 8 MR. PABST: I want to follow up on that. 9 Again, I think a lot of the questions that come up 10 in the process on the testing, how we make our 11 decisions, and how we come up with a number of 12 samples, we'll try to work that in to future 13 presentations so people can really understand. 14 I think there's a lot of myth about how it's 15 done and it's important that we really try to 16 make that point to make sure that people 17 understand how the government looks at these, both 18 the State and Federal Government, before decisions 19 are made. 20 This particular process is more about the 21 conditions around the site and if such would 22 be able to receive dredged material. Like I said, 23 there are two complete processes. I don't want 24 to let that the other process get lost because we 25 don't get a chance to engage the public in these</p>	<p>62</p> <p>1 kind of venues and probably should do a better 2 job with that. 3 As far as the shell disease comment, we've 4 been dealing with shell disease since the 70's 5 trying to figure it out. We can also probably 6 incorporate a little about shell disease into this 7 study, what we learned to date about shell disease 8 and some of the things are going on, not just in Long 9 Island Sound, but there's also a prevalence in the Bight 10 and in some other areas where seeing it as well. 11 I appreciate your comments. 12 MR. HAY: Thank you. Any additional 13 comments? Yes? 14 MS. ANKER: I think you're absolutely 15 right. We need more information regarding the 16 effects of the dredged material. I think what 17 would be really good, and again, I know some 18 people in the EPA, we need to know that we're 19 doing the right thing, especially beneficial for 20 Long Island. You know, we need to dredge our 21 harbors, and that's what we need to do. I think 22 there needs to be information about why we 23 are doing this, and what's the benefit for Long 24 Island. Also, what is involved in this and 25 especially dealing with toxic dredge. We were up</p>
<p>63</p> <p>1 to our ears hearing about the toxic issues with 2 our Long Island Sound in, you know, 2005 and it's 3 disturbing, you know, but we need to get more 4 information, personally, that I feel will give us 5 comfort that what you're doing is the right thing 6 to do. That's what I would like to know. Again, 7 more information, more educational information. 8 How do you clean up toxic dredge? You're saying 9 you do that. What standards does it meet? 10 I know years ago the standard was a 11 full adult. It wasn't a child. So, where is your 12 standard as far as toxic material? We've dealt 13 with a lot of issues here on Long Island 14 pertaining to cancer and disease and we need to 15 feel more comfortable with what you're doing 16 considering we went through it once, and going 17 through it again. 18 The study here says Environmental Impact Statement 19 to evaluate the sites and select a designation. 20 How can we give the input about how we feel about 21 the designation when we don't really understand 22 what are you going to put in those spots? 23 So, you know, what are you going to place in 24 there. So, as far as -- you know, I think for me 25 I need to make sure of what you're doing, or</p>	<p>64</p> <p>1 you're placing it in the ocean or in the Sound 2 will not have a negative impact for us, especially 3 on our health. 4 MR. HAY: I appreciate that. It makes 5 sense. Jean do you want to comment? 6 MS. BROCHI: It sounds like we need 7 a series of public meetings focusing on one 8 aspect. Or webinars. Folks, if you're 9 interested and you're not on the email list, 10 again, sign up for it, but maybe focusing on a 11 different aspect each time whether it's -- what is 12 the permit process for dredged material, what is 13 the testing review process for dredged material 14 and what is the EIS process in a little more 15 detail. We would welcome your input on what 16 topics you'd like to know more about. 17 MR. PABST: Would people be open to 18 Webinars? Is that something that would be 19 helpful to people, to have some Webinars in 20 advance? I mean, I find them to be pretty 21 useful. You can log on from a home computer 22 and so you can just hear our presentation and 23 at least it will be a good intro into a public 24 dialog on the testing and evaluation, questions 25 you're asking about what kind of weights you're</p>



# USEPA PUBLIC MEETING

<p>65</p> <p>1 looking at, age groups, what kind of fish 2 consumption you are looking at, things like that. 3 It's a lot of information. I just want to make 4 sure we get it out in the best way possible. 5 MS. ANKER: I know that Alan Alda is 6 over at Stony Brook University. He teaches a 7 course on how to communicate scientific 8 information to the public. Keep that in mind 9 when you're communicating with the public. 10 We need to understand what the impact would be 11 on us in our area, and in our environment. 12 This is great information that you have here 13 today but I think for me, I just want to make sure 14 that my district is safe and Long Island Sound 15 is safe. Like I said, I know, you know, we like that 16 you guys are doing your thing at EPA and I 17 don't know what we'd do without an EPA, but 18 we need to make sure that what you're doing has a 19 positive impact on Long Island and not a negative 20 impact. 21 MR. HAY: Thank you. 22 MR. RUSSELL: My name is Scott Russell, 23 and I'm the Supervisor for Southold Town. 24 One of the things, if you talk about going to 25 get the public involved in this process you need</p>	<p>66</p> <p>1 to invite the public to the process. Our first 2 formal notification that this meeting was even 3 taking place was from the New York Department 4 of State yesterday, via email. As a Supervisor 5 for Southold Town, which is certainly an involved 6 agent in this process and who has participated 7 in past hearings, has submitted written comment 8 for your consideration, questions that have yet to be 9 answered, then you need to make sure that we're at 10 the table for this discussion. In the future I 11 would ask that you reach out to all of our 12 agencies, including all elected officials and all 13 representatives from these municipalities be invited 14 to these meetings with far more advance notice 15 than the day before. We actually found out 16 third hand unfortunately from Legislator 17 Krupski but our first formal notification was, 18 like I said, yesterday afternoon from the 19 New York Department of State. 20 MS. ANKER: We didn't get notified 21 either. 22 We got notified from a constituent, actually in 23 Legislator Krupski's area. 24 MS. BROCHI: We have a Congressional 25 Liaison in our office who was coordinating with</p>
<p>67</p> <p>1 folks a week ago. 2 MR. PABST: We'll take a look at that. 3 That's not acceptable. We definitely need to 4 make sure of that. I'm not quite sure 5 what happened. 7 MS. BROCHI: Thank you. 8 MS. ANKER: We have a very active 9 environmental advocacy network, that's how I found 10 out about it. But I knew about it two 11 weeks ago. Again, there is very inconsistent 12 communication. Connecticut has done a really 13 great job in trying to keep us notified but we need 14 to coordinate particularly with this kind of project 15 with New York a lot better. 16 MR. PABST: Honestly, these venues 17 are great to have a dialog but I think there would 18 be struggle to get to the most people possible and 19 again, looking at webinars and other types of 20 things might be an easier way to reach out to 21 people, and that's something left to take back 22 as a group and talk about these kinds of things. 23 We appreciate that so we can figure out a way. 24 MS. BROCHI: What we may do is just 25 send out a list, you know, and have you provide</p>	<p>68</p> <p>1 input to that list and if someone we are missing, 2 that would be helpful to us. I would appreciate 3 that. 4 MR. HAY: Any additional comments? 5 Hearing none. We'll be here until 4:30. 6 If you want to stay longer, feel free. 7 Otherwise we're all set for the moment. 8 MS. BROCHI: Thank you, again, for 9 taking the time out of your day. 10 MR. HAY: Thank you for coming and 11 we greatly appreciate the input. 12 [PUBLIC MEETING WAS CONCLUDED] 13 [TIME NOTED: 4:30 P.M.] 14 15 16 17 18 19 20 21 22 23 24 25</p>

USEPA PUBLIC MEETING

69

1 CERTIFICATION

2 COUNTY OF SUFFOLK)

3 SS:

4 STATE OF NEW YORK)

5

6 I, CHARMAINE DeROSA, Certified Court  
7 Reporter, in the State of New York, do  
8 hereby certify:

9 THAT, the foregoing is a true and  
10 accurate transcript of my stenographic  
11 notes taken in the matter of the PUBLIC  
12 MEETING, on this 25TH day of June,  
13 2013.

14 IN WITNESS WHEREOF, I have hereunto  
15 set my hand on this 25th day of June,  
16 2013.

17

18

CHARMAINE DeROSA, CSR

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## 1 C E R T I F I C A T I O N

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3 SS:

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CHARMAINE DeROSA, CSR

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## **Attachment 5**

### **TRANSCRIPTS OF PUBLIC COMMENTS, GROTON, CONNECTICUT JUNE 26, 2013**

Page 1

June 26, 2012 - Avery Point, UCONN, GROTON, CT

Eastern Long Island Sound  
Supplemental Environmental  
Impact Statement (SEIS SEIS)

Public Meeting

June 26, 2013

By: Sarah J. Miner, LSR #238  
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Hartford, Connecticut 06103

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<p style="text-align: right;">Page 2</p> <p>1 MR. HAY: Good afternoon. I think we are 2 ready to start. So welcome to this public meeting. 3 This is the second meeting. We had one yesterday also 4 in Riverhead, New York. Before we start a couple of 5 housekeeping items. The restroom is outside of this 6 room. The men's room is on the left side. And the ladies 7 room I think one floor below. 8 MS. BROCHI: Straight across from 9 registration. 10 MR. HAY: Straight across from registration. 11 I hope everybody had a chance to sign in. If you 12 didn't do so, please do so before you leave this 13 afternoon. Also there are handouts that are available 14 of the presentation that is being given today. Please 15 pick up a copy, as well. And finally, please turn off 16 your cell phones or put them on vibrate. My name is 17 Bernward Hay. I am an environmental scientist with 18 the Louis Berger Group. We are under contract with 19 the University of Connecticut, which is under contract 20 with the Connecticut Department of Transportation. We 21 have been assisting Connecticut DEEP and EPA with the 22 preparation of a supplemental Environmental Impact 23 Statement, also abbreviated as SEIS, to evaluate the 24 potential designation of one or more disposal sites for the 25 Eastern Long Island region of Connecticut, New York, and</p>	<p style="text-align: right;">Page 4</p> <p>1 your comments brief to allow for others to speak, as well. 2 This meeting is recorded by the stenographer, and also 3 will be recorded on an audio device. The transcript 4 of the meeting will be entered into the public record 5 and will be made available to the public on the EPA 6 web site at a later point. 7 So with this we now move to the 8 presentation. Ms. Jean Brochi is a project manager 9 with the Ocean and Coastal Protection Unit of EPA Region 10 1, and will now officially open the meeting and will 11 provide a project update. 12 MS. BROCHI: Thank you, Bernward. Thank you 13 all for coming. As Bernward had mentioned, my 14 presentation is going to be a project update on the 15 Eastern Long Island Sound Supplemental EIS. Bernward 16 will show you slides and discuss some of the data that 17 we collected through GIS, Geographic Information 18 Systems. And then we will show you some slides and 19 then we will talk about the next steps, and take any 20 comments anyone might have. 21 So EPA and the Army Corps of Engineers have 22 a shared responsibility under the Marine Protection, 23 Research and Sanctuaries Act, also known as the Ocean 24 Dumping Act. Under Section 102, EPA has the authority 25 to designate dredged material disposal sites. And</p>
<p style="text-align: right;">Page 3</p> <p>1 Rhode Island. The EPA is the federal lead agency for 2 this project. The previous meetings, public meetings in 3 November and January, were held to solicit comments on 4 the Notice of Intent. And the comment period ended 5 January 31st, 2013. At each of those meetings we had 6 several individuals comment, and we also received 18 7 written letters and e-mails with comments. 8 This meeting here today is an informational 9 meeting, and there is no specific comment period. The 10 information presented today will be made available on 11 the EPA web site. Specifically today's meeting is 12 designed to provide you with an update of the project 13 as a follow-up to the public meetings that we had 14 earlier this year and the end of last year. 15 We will review the initial screening 16 process that has been conducted. And we will briefly 17 discuss upcoming data collection efforts. If you have 18 any feedback it would be welcome at this point. 19 Ms. Jean Brochi and I will present the updated 20 information about this project for about the next hour 21 until about 3:30. Then after the presentations are 22 completed the floor will be open for comments until 23 4:30 p.m. 24 If you wish to speak, please provide your 25 name and your affiliation, and also we ask you to keep</p>	<p style="text-align: right;">Page 5</p> <p>1 under Section 103 the Army Corps of Engineers has the 2 authority to select sites, subject to EPA concurrence. 3 When the Corps selects a site it is more of a 4 temporary selection and it is for two, five-year 5 periods not to exceed a maximum time frame of 10 6 years. In addition, dredged material disposal at the 7 sites must meet criteria as outlined in the Ocean 8 Dumping Regulations, Parts 220 and 229. 9 Under the Clean Water Act both EPA and the 10 Army Corps of Engineers has the authority to review 11 permits and approve dredged material disposal permits. 12 The Army Corps of Engineers under Section 13 404 actually issues the permit for dredged material 14 and is subject to EPA concurrence. Under section 404(c) 15 of the Clean Water Act, EPA has a veto authority for 16 those dredged material permits. 17 EPA, as I had mentioned, has the authority 18 to designate ocean dredging material disposal sites 19 for long term use. And we do so using a voluntary 20 NEPA Act. And the NEPA Act allows us to go out to the 21 public and inform the public several times throughout 22 the process as we prepare an EIS, which is an 23 environmental impact statement. 24 EPA also has the authority to promulgate 25 regulations and criteria from disposal site selection</p>



<p style="text-align: right;">Page 6</p> <p>1 and permitting discharges, as well as review the Army 2 Corps of Engineer dredging projects and permits. And 3 for each site that is designated, EPA will create a 4 site management and monitoring plan. And we will 5 monitor those dredged material disposal sites jointly 6 with the Army Corps of Engineers.</p> <p>7 So this is a Supplemental Environmental 8 Impact Statement focusing only on the eastern side of 9 the Long Island Sound. But back in 2005 EPA started 10 the effort for Long Island Sound dredged material sites 11 and designated the Western Long Island Sound site and 12 the Central Long Island Sound site.</p> <p>13 The two sites that are currently being used 14 in Eastern Long Island Sound have been selected by the 15 Army Corps of Engineers in the 1990s. And those sites 16 are the Cornfield Shoals site and New London disposal 17 site. And those sites are scheduled to close in 18 December 2016.</p> <p>19 A little background on the original EIS 20 that was completed in 2005. In April 2004 EPA and the 21 Army Corps of Engineers recommended designation of the 22 central and west disposal sites and we initiated final 23 rule making. In June 2004 New York DOS objected to 24 that decision, stating it was inconsistent with the 25 Coastal Zone Management Program. And then from September</p>	<p style="text-align: right;">Page 8</p> <p>1 We are currently and will continue to 2 collect literature and data on Long Island Sound 3 specifically disposal sites.</p> <p>4 We initiated in March of 2013 a Physical 5 Oceanographic Study headed by UConn. We continue to 6 screen sites using, as I said before, Geographic 7 Information Systems. And Bernward is going to discuss 8 that, and show you some of those slides. And that is 9 going to continue throughout the process.</p> <p>10 Some of our partners include Connecticut 11 DOT, who is a funding organization. As well as EPA's 12 Region 1 and 2; New York DOS; New York DEC; 13 Connecticut DEEP; Rhode Island CRMC; Army Corps of 14 Engineers New York District and New England District; 15 NOAA; and the United States Coast Guard.</p> <p>16 Coordinating agencies include U.S. Fish and 17 Wildlife Service and the Navy. And then additional 18 coordination will continue with historic preservation 19 officers from all towns and tribes. The distinction 20 between cooperating and coordinating is that the EPA 21 officially requested agencies to join and commit and 22 come to the table for discussions as a cooperating 23 agency. And the two agencies that are coordinating 24 are still going to be at the table, but they are not 25 going to be at the meetings. They are going to be</p>
<p style="text-align: right;">Page 7</p> <p>1 2004 through May 2005 all the agencies, EPA, Army 2 Corps of Engineers, NOAA, New York, and Connecticut 3 negotiating the rule making and came up with 4 conditions to the rule making, which included the 5 completion of a regional Dredged Material Management 6 Plan to be completed in 2014. The lead agency for 7 that is the Army Corps of Engineers. In addition, we 8 formed a regional dredging team group to review 9 alternatives for projects, alternatives to open water 10 disposal from federal and private projects. And, in 11 addition, EPA now reports annually on dredged material 12 going to the disposal sites in Long Island Sound.</p> <p>13 Now, back to the Eastern SEIS or 14 Supplemental Environmental Impact Statement. So 15 originally in October, 2012, EPA issued a Notice of 16 Intent that we would pursue the potential for a 17 designation of an open water dredged material disposal 18 site.</p> <p>19 And on November 14th we held our first 20 public meeting. And January 9th was our second public 21 meeting. And those public meetings were officially to 22 solicit comments and input on the Notice of Intent. 23 On January 8th, May 20th, and June 18th, we had 24 cooperating agency meetings. And I will discuss who 25 the cooperating agencies are in a minute.</p>	<p style="text-align: right;">Page 9</p> <p>1 informed and contribute that way.</p> <p>2 So the EIS schedule right now -- as it stands 3 we expect to have a Draft Supplemental EIS by December 4 2014. A final by December 2015. And assuming the 5 Environmental Impact Statement recommends the 6 designation of one or more disposal sites we will 7 publish a rule making by December 2016.</p> <p>8 This slide may not be as easy to see but this 9 is the EIS process. We initially start with scoping. 10 We create a Zone of Siting Feasibility. We identify 11 alternatives and data needs. We screen sites. We 12 select sites. Assess the data needs. Collect more 13 data. Perform an impact analysis. And produce a 14 report which becomes the Environmental Impact 15 Statement.</p> <p>16 Right now we are still in the identifying 17 and screening and assessing data needs and collecting 18 data needs part of this process.</p> <p>19 In addition to the environmental, the SEIS 20 process, there is the Dredged Material Management 21 Plan, which I had mentioned earlier. The Army Corps 22 of Engineers is the lead agency for that. As a result 23 of that effort several studies have been conducted and 24 the reports are being used for this effort. Two of 25 those reports that EPA will be using, includes the</p>

<p style="text-align: right;">Page 10</p> <p>1 dredging needs report which was completed in October 2 of 2009. That report stated that 13.5 million cubic 3 yards would need to be dredged from the Eastern Long 4 Island Sound harbors and channels over the next 26 5 years. And that 26-year time frame is a planning 6 horizon that the Army Corps of Engineers uses in their 7 calculations. And that planning horizon ends in 2028. 8 The second report the EPA will be using is 9 the Upland, Beneficial Use, and Sediment Dewatering 10 Report. And that was completed in 2009. And the 11 second version of that report was completed in 2010. 12 That determined that there were few alternatives to 13 open water disposal in Connecticut. And most of those 14 were beach nourishment types of projects. 15 So here, as I mentioned, is the Zone of Siting 16 Feasibility for this effort. It includes Long Island 17 Sound and Block Island Sound. And you can see the 18 line is from Guilford to Montauk. And then Block 19 Island to Point Judith. 20 This slide shows the active sites. As I 21 said the Cornfield Shoals and the New London Disposal 22 Sites are currently active. They are not designated. 23 That is what this effort is looking at the impacts of 24 doing. 25 So the active sites, Cornfield and New</p>	<p style="text-align: right;">Page 12</p> <p>1 The fourth is the type of methods of 2 disposal and quantities of disposal. 3 The fifth is the feasibility of surveillance 4 and monitoring. So as I had said, if we designate a 5 disposal site we will create a site monitoring and 6 management plan and we have to consider the 7 feasibility of being able to manage and monitor that 8 disposal site. 9 The sixth criterion relates to currents and 10 velocity and dispersion and current direction and the 11 effects of those items on the sediment. And, as I 12 mentioned, Jim O'Donnell is conducting a physical 13 oceanographic study, and we should have some data 14 later this summer. And Bernward will show you some 15 slides related to that. 16 The seventh criterion is cumulative effects. 17 So we look at long term cumulative effects of disposal 18 discharges. 19 Number eight is conflicting uses. Is there 20 any interference with navigation or other uses in the 21 ocean? 22 The ninth criterion is water quality and 23 ecological health. 24 The tenth criterion is potential for nuisance 25 species to come in.</p>
<p style="text-align: right;">Page 11</p> <p>1 London you can see. Then on this slide we also 2 included the Rhode Island Sound Disposal Site. That 3 site is a designated site. The EPA designated that in 4 2005. 5 So on the next few slides I am going to discuss 6 the approach to screening. This is the approach to 7 screening for disposal sites. And, again, we do so under 8 the Marine Protection, Research and Sanctuaries Act, 9 which is called MPRSA. We use five general criteria, 10 and 11 specific criteria. We initially screen areas 11 that have potential acceptability to be selected as a 12 disposal site. And then we further refine those areas 13 and evaluate them using additional information. 14 Now, these next two slides are going to be 15 busy. So I am going to go through them and just 16 highlight some of the 11 specific criteria. So the 17 first criterion is really the position of the site to 18 include bathymetric information, geographical, depth 19 of water, location from the coast. 20 The second item or the second criterion is to 21 look at habitat and the location of the site in 22 relation to breeding or spawning or living resources. 23 The third criterion is the location of a 24 disposal site in relation to public beaches or areas 25 of public use.</p>	<p style="text-align: right;">Page 13</p> <p>1 And then the eleventh is the proximity of 2 the site to historic or cultural resources. 3 The five general criteria include 4 conflicting uses. We want to minimize interference 5 with other uses. 6 Conditions at the site. So we want to 7 survey and make sure environmental conditions are 8 reduced, especially in proximity to beaches, 9 shorelines. 10 The third is the site use. If at any time 11 during this process an already approved site does not 12 meet any of the criteria, we can terminate that site 13 as long as a suitable option can be designated. 14 The site size includes us limiting the size 15 of the disposal site so that we can effectively 16 monitor and surveillance of the site. 17 And then the final criteria is historically 18 used sites. So wherever feasible EPA will try to 19 designate a disposal site either beyond the 20 continental shelf or at areas where sites have been 21 previously used. 22 And with that Bernward is going to show you 23 some of the GIS information and take you through some 24 of the stats. Thank you. 25 MR. HAY: Thanks Jeannie.</p>

<p style="text-align: right;">Page 14</p> <p>1 So as Jeannie mentioned, this is a work in 2 progress. We are in the middle of screening. There 3 is still a lot more work that needs to be done. We 4 are still actively collecting data. And we are 5 open to receiving any information you have available that is 6 relevant to this process and have already received 7 quite a bit of information from New York and 8 Connecticut and Rhode Island. Thank you for that. 9 So with that said, I would like to give you 10 a sense of the types of data that we are collecting 11 and also the process that we are undergoing in order 12 to put the data together to ultimately narrow down the 13 field within which potential sites would be 14 designated. 15 Shown on this slide here is a cluster of 16 different types of screened material, three groups. 17 One is sedimentary environment. Second, areas of 18 conflicting uses. And the third is biological 19 resources. I will have slides that pertain to several 20 of those items underneath those groupings. 21 Specifically under sedimentary environment 22 we have bathymetry as a criterion. We have currents and 23 waves and bottom stress. And also sediment texture, 24 which is an important criterion which informs sediment 25 resuspension as well as potential habitat issues.</p>	<p style="text-align: right;">Page 16</p> <p>1 Orient Point Disposal Site, two disposal sites in 2 Fisher Island Sound over here. We also have the 3 Niantic Bay Disposal Site. And finally the Block 4 Island Sound Disposal Site. Just a quick note. The 5 boxes around the historic disposal sites generally 6 mean that within those areas that have been identified 7 on the map as disposal sites, it is not necessarily 8 the entire boundary of a disposal site. 9 A VOICE: Can you repeat what you just said? 10 MR. HAY: Yes, the boxes around the historic 11 disposal sites, for example, this box here basically 12 means that within that area there has been disposal. 13 MS. BROCHI: So in terms of representing 14 historic sites on a GIS slide we have identified each 15 historic site in a square box. The reality is the box 16 is not a boundary of a disposal site. In fact, we are 17 still compiling the information. The Army Corps of 18 Engineers is helping us. What we might find is that 19 some of these historic sites will fall off because 20 they don't represent historic disposal. And some of 21 them we might find had one event. So it may be a 22 certain amount of cubic yards that was disposed in 23 1930 or 1940, but it doesn't represent an entire 24 disposal site or disposal site boundaries. For the purposes 25 of representing it graphically we included all of the</p>
<p style="text-align: right;">Page 15</p> <p>1 Under areas of conflicting uses we have 2 infrastructure, such as cables and pipelines, that 3 could interfere. 4 Navigational issues for commercial shipping 5 such as shipping areas, anchoring areas. 6 Recreation, there are recreational areas 7 such as beaches, parks, et cetera, as well as 8 recreational navigation. 9 Then conservation areas, sanctuaries, 10 wildlife refuges, national seashores, parks, 11 artificial reefs, et cetera. 12 Then the culture and archaeological 13 resources, shipwrecks, et cetera. 14 The third group is biological resources such 15 as shellfish beds, benthic communities, fish habitats, 16 fish concentrations, and fishing areas. And also a 17 group called breeding, spawning, nursery, feeding, and 18 passage areas. 19 So, again, a few maps will follow that show some 20 information. First, as Jeannie mentioned, 21 preference is given to active and historic disposal 22 sites. And shown on this figure are the active sites 23 in red. The Cornfield Shoals disposal site. The New 24 London disposal site over here. And historic disposal 25 sites, which include the Clinton Harbor Disposal Site, Six Mile Reef</p>	<p style="text-align: right;">Page 17</p> <p>1 historic sites to be a square and the exact same 2 square was used. 3 MR. HAY: So the next graphics show maps 4 that pertain to sedimentary environment. This graphic 5 shows the bathymetry of the area. The data source is 6 NOAA. The NOAA data had been modified by DAMOSVision, which is a 7 consulting firm 8 that modified the NOAA data. 9 Shown here is the Zone of Siting 10 Feasibility. Outlined by this black boundary here on 11 this side and this side. We have the Block Island Sound 12 area included in that Zone of Siting Feasibility, as well as the 13 Eastern Long Island Sound. In terms of morphological features, there 14 are fairly uniform 15 water depths in Block Island Sound relative to Eastern Long Island 16 Sound where you have 17 more variability, such as the Race, which is deeper here due to 18 currents entering Long 19 Island Sound. And then you have another morphological feature which 20 is Six Mile Reef where you have shallow water 21 depths on the western side of the Eastern Long Island 22 Sound. We have more information available through a survey that was 23 done by NOAA in conjunction 24 with the U.S. Geological Survey. These are called 25 multibeam bathymetry surveys. They are, in essence, very high resolution data that will be available for this investigation. They allow for detailed analysis of sedimentary features that you might find on the sea floor such as sand waves and scour features. You</p>

<p style="text-align: right;">Page 18</p> <p>1 may also be able to see shipwrecks, and those kinds of 2 features as well.</p> <p>3 The differences in color in essence mean 4 water depths. Again, this is a bathymetry map. So 5 red means shallow waters. Blue means deep waters. 6 And then the greens and the oranges are water depths 7 in between. Again, this is shallow water. This is 8 the deepest part of the area. Then this is even 9 deeper. This is the Race over here going into Block 10 Island Sound. There is another deep spot over here, 11 which is between Plum Island and Orient Point, another tidal scour feature. As I mentioned 12 on that previous slide, this area over here is Six Mile 13 Reef which is again shallower. Shown on here also 14 are the disposal sites. You can see the active disposal 15 site: New London over here, Cornfield Shoals over 16 here, as well as historic disposal sites outlined by 17 a dashed line.</p> <p>18 This image shows tidally-driven bottom stress. 19 Bottom stress is important as it affects resuspension of 20 sediment from a particular site. Bottom stress is, in 21 essence, a function of current velocity, as well as 22 the roughness of the sediment surface. What you can see 23 on this slide are different colors. The lighter blue 24 means lower bottom stress. The yellow and orange 25 means increased bottom stress. As you might expect, the highest</p>	<p style="text-align: right;">Page 20</p> <p>1 The next group of maps pertain to areas of 2 conflicting uses. This map shows the location of 3 cables and pipelines in the Zone of Siting 4 Feasibility. What you see in yellow are existing 5 cables, such as this one here, a whole cluster of 6 cables over here, as well as cable corridors like this 7 cable area here. This is actually not a very wide cable; 8 it is a corridor within which a cable or cables are located. 9 There are additional corridors up there. Some corridors over here. 10 And additional corridors here.</p> <p>11 Pipelines are marked in green. As 12 you can see, there are not a lot of pipelines. There 13 is one small pipeline which is outside of the Zone 14 of Siting Feasibility. In other words, there is no pipeline of 15 concern in the Zone of Siting Feasibility for 16 this project.</p> <p>17 This image shows the vessel traffic density as 18 well as anchoring areas. This pertains to commercial 19 vessels. The data were collected from the U.S. Coast 20 Guard; they are based on the Nationwide Automatic Identification 21 System Database, also abbreviated as AIS. What you see in the 22 darker orange or darker brown or beige are areas of 23 higher vessel densities, such as this line over here 24 continuing in this area here, and then as it becomes 25 lighter, there is lower vessel density. Mostly the traffic goes</p>
<p style="text-align: right;">Page 19</p> <p>1 and those are highest in the Race over here where 2 tidal currents enter Long Island Sound. There is also an 3 area of elevated current speeds and bottom stress 4 northeast of Montauk. This image is based on preliminary 5 model results. There is some data that enter these 6 model results, but again these are preliminary. So 7 given the importance of sedimentary resuspension potential and 8 bottom stress for this investigation, a study has 9 been initiated.</p> <p>10 The study is being performed by the 11 University of Connecticut, and instruments are in the 12 water as we speak collecting valuable information. 13 Specifically they are instrument moorings located at 14 sites that are shown here. There is a total of 11 stations shown 15 here with these green spots, covering the entire Zone 16 of Siting Feasibility, both Eastern Long Island Sound, 17 as well as in Block Island Sound. These 11 stations 18 consist of seven instrument mooring stations where 19 instruments are permanently moored for a period of 20 time collecting continuous data, as well as four 21 additional stations where ship surveys will be performed. And 22 instruments will be lowered 23 in the water to collect additional data. These 24 data will be entered into a model, and the 25 bottom stress will be modeled to provide resuspension of sediment in the area.</p>	<p style="text-align: right;">Page 21</p> <p>1 more or less. There is also some traffic going in and out of 2 ports, as you would expect. Marked here also is what 3 is shown on the north shore is a navigation corridor. 4 Then anchoring areas are shown by this line 5 here in purple. This purple dashed line is an anchoring area. 6 There is an anchoring area west of Niantic Bay, 7 anchoring area north of Montauk, and anchoring areas 8 near Fishers Island.</p> <p>9 A VOICE: Is that one year of vessel 10 traffic data or multiple years, which years was it 11 done?</p> <p>12 MS. ATAMIAN: It is one year of data. The data 13 was published in 2012, but was a 2009 data set.</p> <p>14 MR. HAY: That was Amy Atamian who has had been 15 working with us on the GIS.</p> <p>16 The next image shows recreation areas, as 17 well as navigation. Again, in the darker brown you 18 see areas of coastal navigation, smaller boats that, 19 as you might expect, would be close to the shore, 20 for fishing and other recreational purposes. And what you see in 21 green are beaches. Public beaches that is. And these 22 data come from the Dredged Material Management Plan report. Again, 23 showing these beaches are public beaches.</p> <p>24 The next slide shows conservation areas and, 25 as I mentioned before, this is a catch-all term for a</p>

<p>Page 22</p> <p>1 number of different data sources. It includes NOAA data on 2 reefs, shoals, as well as deep coral reef areas. And 3 those features are identified with orange symbols, 4 such as these ones over here. Coral reefs identified 5 with these darker blue symbols. There are only two coral 6 sites currently in the NOAA database. It 7 doesn't mean there aren't additional sites. 8 In addition, this slide shows culturally 9 significant natural features from the New York 10 database. It also shows boundaries of the Local 11 Waterfront Revitalization Program for New York. These 12 are boundaries here. This is one example. It shows 13 the migration water fowl data from the Connecticut 14 DEEP, national diversity areas, preserves and refuges. 15 Again, as I mentioned before, this is 16 work in progress. There is additional data available 17 that we will incorporate here. For example, there is data available 18 for the 19 northern shore of Long Island, which we will incorporate as well. 20 One 21 thing to notice here is that many of those 22 conservation areas are close to shore. So basically 23 within this zone here, and I will come back to that 24 point in a minute, very close to the shoreline. 25 The next image shows the archaeological and cultural resources. What you can see as black triangles are shipwrecks. For example, this one here, what you see</p>	<p>Page 24</p> <p>1 information for the northern shore of New York, as 2 well, that will be incorporated here. Notice also 3 that the shellfish beds that we have on this map 4 include areas of aquaculture as well. There are two 5 areas, several areas actually where shellfishing has 6 been prohibited. Those are identified in orange over 7 here. And there is also prohibited shellfishing 8 around Plum Island, aside from other areas in Rhode Island 9 and New York. 10 So just to give you a sense of how the 11 data is ultimately going to be screened, this map 12 shows an overlay of different resources. What you can 13 see in black is what we have been using as a screening 14 layer using a water depth of 18 meters. This Water depth is a 15 function of -- 16 This water depth had been used in the Central and 17 Western Long Island Sound as a screening depth. 18 Specifically it is designed to screen out areas where 19 it might -- where there may be conflicts with 20 navigation because vessels require a certain water 21 depth. There may also may be issues with resuspension of 22 sediment, depending on the size of waves and storm 23 conditions. 24 So using that same water depth that was 25 used for the Central and Western Long Island Sound EIS gives you this dark layer over here. Everything</p>
<p>Page 23</p> <p>1 as red circles, are other obstructions: rocks or other 2 types of obstructions. So one example here is the 3 Clinton Harbor Disposal Site. Within that historic 4 disposal site you see two shipwrecks and two 5 obstructions. Two black triangles and two red 6 circles. The database for this data set is also NOAA. 7 The next slide will summarize biological 8 resources that we have so far in GIS format. Specifically shown 9 on this image are shellfish beds. These are the shellfish beds 10 along the Connecticut shoreline. Shellfish beds along 11 the Rhode Island shoreline. Also shellfish beds in 12 Peconic Bay and other parts of Long Island. Some 13 additional information that we are still collecting on 14 the northern shore of Long Island that will also be 15 incorporated. In addition, we show on this image 16 shellfish zoning. So for Connecticut the areas where 17 shellfishing is approved is shown in green. There are 18 also areas where shellfishing is traditionally 19 approved shown in beige colors here. Those are these 20 areas here. And some are traditionally restricted. 21 And others are restricted. There are different kinds 22 of zones that apply to the shoreline of Connecticut. 23 The approved shellfishing areas for Rhode Island are 24 shown in green over here. And this is the Peconic Bay shellfish 25 zoning area. And we are collecting additional</p>	<p>Page 25</p> <p>1 that is in color here shows water depth greater than 2 18 meters. So superimposed here is also the zone of 3 approved shellfishing over here. Superimposed further 4 are anchorage areas and navigation channels, as well 5 as cable alignments and cable corridors. 6 This is just an example of how we screen or narrow 7 down the areas that are potentially available for 8 siting of facilities. 9 So one additional aspect to keep in mind is 10 the economics of dredging. Shown on this graphic here 11 are the dredging needs for the Long Island Sound area 12 based on the dredging needs reports. This projects 13 over a period of several decades. And you can see 14 affected by the size of the circle the volume of 15 sediment that is anticipated to be dredged for the 16 individual dredging centers. 17 So, for example, the Connecticut River 18 dredging center is located over here, This over here is a 19 much smaller volume that is anticipated, for example, for 20 Montauk. So you can see most of the sediment would 21 be, is anticipated to be dredged from Connecticut. 22 Lower volumes of sediment are anticipated from New York. 23 What we also show on this slide are the distances. 24 This is one example of the distance of two potential 25 disposal sites. We use as an example the dredging center of</p>

<p style="text-align: right;">Page 26</p> <p>1 the Connecticut River located over here. So the 2 distance from the Connecticut River dredging center to 3 the Rhode Island Sound disposal site, which is located 4 over here, will be 45 nautical miles. The distance to 5 the New London disposal site located over here from 6 the Connecticut River dredging center is 12 miles. 7 The distance to the Cornfield Shoals site is five 8 miles. The distance to the Central Long Island Sound 9 disposal site located approximately here is 26 10 nautical miles. And if you go to beyond the edge of 11 the Continental Shelf, in other words, beyond the water depth 12 of about 200 meters, you would be looking at 75 nautical 13 miles. 14 So, again, this distance has economic 15 implications, but also safety and environmental risks. You have 16 larger waves that you have to travel through with your barges. It 17 increases the risk 18 of an accident and losing your loads because of those kinds of 19 concerns. 20 So based on the screening so far several 21 areas have been identified in the Eastern Long Island 22 Sound. And the EPA will prioritize data collection at 23 active and historic disposal sites. Those have been 24 identified here with a circle. This again is the slide 25 showing the bathymetry of the area that we looked at before. With this I would like to pass it back to Jeannie who will talk about the next steps. Thank</p>	<p style="text-align: right;">Page 28</p> <p>1 We should be getting some data on that this summer. 2 We will continue to have meetings. We will have some 3 cooperating agency meetings throughout the summer and 4 into the fall. Then we will have another set of 5 public meetings in the winter. We will try to send 6 out the information ahead of time so you have an 7 opportunity to review it before you come to an 8 informational meeting. And one of the main objectives 9 today is to just present the information to you and 10 give you an update of where we are in the process 11 since January, but also to solicit your feedback. And 12 if you have any comments we would be happy to hear 13 them today and consider them. And if you are not -- 14 if you haven't registered and you are not on our 15 e-mail list, please sign up so we can contact you and 16 inform you about future meetings. 17 And, finally, our cooperating agency 18 representatives are in the room. Feel free to contact 19 EPA directly or if you have any questions or comments 20 or need clarification they are available to assist 21 you, as well. So with that I will open up the floor 22 for comments or questions. 23 MR. HAY: So, again, if you have a comment 24 please identify yourself by name and affiliation so we 25 can record that as well. So any questions, comments,</p>
<p style="text-align: right;">Page 27</p> <p>1 you. 2 MS. BROCHI: Thank you. So a few points. 3 Again, this is an environmental impact statement and 4 what we have shown you today is the open water 5 assessment. But as part of this effort EPA will also 6 look at alternatives to open water, which even 7 includes no alternatives. So the impacts associated 8 with no disposal site being designated. 9 So in summary we will continue to assess 10 the sites in more detail. We will continue to review 11 the data that exists online. We will collect 12 additional data. And we will fill in the remaining 13 data gaps as necessary. And, as Bernward mentioned, 14 two areas that we really haven't looked at yet 15 includes the economics and the safety. The slide that 16 Bernward just showed you with the dredging centers, is 17 actually from the DMMP that the Army Corps of 18 Engineers had completed in one of their reports. And 19 they also completed a really great study on economics. 20 So we are going to use some of that information and 21 build on that. 22 We will collect additional data on 23 sediment, biological resources, and habitat. We are 24 going to start compiling some information on the 25 physical oceanographic study that Jim is in charge of.</p>	<p style="text-align: right;">Page 29</p> <p>1 feedback? 2 MS. FOLSOM-O'KEEFE: My name is Corrine 3 Folsom-O'Keefe. I am program coordinator for Audubon 4 Connecticut. One thing that has been done with 5 dredged spoils in other states is pile it up in one 6 area so it creates an islands. And those islands are 7 actually used by bird species that are declining such as Piping 8 Plover, Least Tern, 9 American Oystercatcher, and other tern species. That might be a 10 potential thing that could be done with uncontaminated dredged spoils. 11 It is something 12 I would like to see considered as the EPA and other organizations 13 continue 14 to go forward in deciding what would be the best 15 solution to dredging these materials and figuring 16 out what to do with them. Also one suggestion that 17 could be done with them, Faulkner Island, the north 18 spit, lost two-thirds of its area. The north spit is 19 this sandy area above sea level most of the time. It 20 lost two-thirds of its area during Hurricane Sandy. That area is one 21 of the 22 largest areas on the island for Roseate Terns nesting. 23 And so there has been a dramatic reduction in habitat size for 24 the Roseate Terns, which are a state listed 25 species. That would be a suggestion for a place if you had uncontaminated, dredged materials; those materials could be put in that area increasing the habitat for that bird species. The last thing I would like to see considered is just if dredged materials that are not</p>



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<p>1 contaminated are put in certain areas -- they might need to be</p> <p>2 beach accretion, either public beaches or beaches used</p> <p>3 by wildlife. Those are things I would like to see</p> <p>4 taken into account.</p> <p>5 MR. HAY: Thank you for your comment.</p> <p>6 MS. BROCHI: Thank you. One thing that we</p> <p>7 didn't mention is state threatened, federally</p> <p>8 endangered species, mammals, birds, is part of this</p> <p>9 environmental impact statement effort. And that will</p> <p>10 be something we investigate further on. And we will</p> <p>11 look at all of those species.</p> <p>12 And Mark Habel from the Corps of Engineers</p> <p>13 is going to respond to the dredging.</p> <p>14 MR. HABEL: Thank you Jeannie. I am not on</p> <p>15 the program but it might be a good time to give an</p> <p>16 update where we are with the Dredged Material</p> <p>17 Management Plan. It is an effort we were first funded</p> <p>18 to begin undertaking in 2008. We are substantially</p> <p>19 moving along with it in cooperation with the three</p> <p>20 states that border Long Island Sound, Block Island</p> <p>21 Sound. We also have a technical working group of</p> <p>22 federal and state agencies, and representatives from</p> <p>23 various nongovernmental organizations who volunteered</p> <p>24 to sit on that and help provide input to the Dredged</p> <p>25 Material Management Plan as it went forward. We are</p>	<p>1 look to the states to identify areas where they want</p> <p>2 to see that done. We work out how we can do it.</p> <p>3 The commenter mentioned island creation.</p> <p>4 The Corps on the West Coast has done large amount of</p> <p>5 fills using dredged material, primarily for port</p> <p>6 development in Los Angeles, Long Beach, Oakland, and</p> <p>7 elsewhere.</p> <p>8 We have also used dredged material to shore</p> <p>9 up levies in the Sacramento River Basin. They have</p> <p>10 for a long time used dredged material to build and</p> <p>11 raise levies in Louisiana and elsewhere on the Gulf</p> <p>12 Coast.</p> <p>13 We have done large scale islands in the</p> <p>14 Chesapeake Bay area, Norfolk, Newport News, Hampton Roads. There is</p> <p>15 a</p> <p>16 large one under construction in mid Chesapeake Bay, Poplar</p> <p>17 Island, which is a joint project between the Corps and the</p> <p>18 Maryland Department of Environment and the Baltimore Port</p> <p>19 Authority. That is maybe within 10 years of its</p> <p>20 useful life. It will be filled. It is being</p> <p>21 developed as wildlife habitat.</p> <p>22 And we recently have another one going</p> <p>23 through Congressional authorization, that is called</p> <p>24 the Mid-Bay Island Restoration, Chesapeake Bay.</p> <p>25 The DMMP is looking at all of this. We are</p> <p>mapping where the beaches are in relation to the</p>
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<p>1 looking at a lot of things. Certainly it is always</p> <p>2 the Corps of Engineers' preference, as well as many of</p> <p>3 our sponsors and the other agencies, that dredged</p> <p>4 material be looked at as a resource first and</p> <p>5 something to be disposed of second. Our regs even</p> <p>6 require us to first investigate beneficial uses. With</p> <p>7 things like sand it is pretty easy. As sea level</p> <p>8 rises, erosion continues. It is rare today that we</p> <p>9 have a sand generating project that does not have</p> <p>10 takers for the dredged material, even when that sand,</p> <p>11 or hauling that sand to that site requires a cost share.</p> <p>12 We have built projects recently in</p> <p>13 Massachusetts, and we are proposing another one in New</p> <p>14 Hampshire that Mass, New Hampshire and Maine are going</p> <p>15 to all get in on to get pieces of the sand. They are</p> <p>16 going to have to pay \$2, \$4 a yard to get it.</p> <p>17 With the Newburyport project that we</p> <p>18 constructed in 2010 Massachusetts paid \$20 a yard to</p> <p>19 have sand that would have been placed offshore be</p> <p>20 pumped onto the beaches. They were losing houses and</p> <p>21 at least in the zone we put the sand on they haven't</p> <p>22 loss any since. So certainly we like to use sand for</p> <p>23 shore protection purposes. Non-contaminated, non-sand:</p> <p>24 there are many applications for, as well. We can</p> <p>25 build marshes. This is primarily something that we</p>	<p>1 harbors that generate beach-compatible sand. And we are looking at a</p> <p>2 number of sites that have over the years have been</p> <p>3 raised as potential candidates for island development,</p> <p>4 primarily for creation of wildlife habitat. The New</p> <p>5 Haven Breakwaters is the largest of those. And, as</p> <p>6 you mentioned, Faulkner Island is another one of those</p> <p>7 areas where we are looking at potentially creating an</p> <p>8 island. Those projects carry substantial cost. They</p> <p>9 require great involvement in making them happen by the</p> <p>10 state that they are in. Maryland took the lead on</p> <p>11 Poplar Island. They are taking the lead on Mid-Bay.</p> <p>12 That cost is not going to be totally a federal cost.</p> <p>13 I think Poplar Island was a 65/35 cost share on a</p> <p>14 facility that is probably in the end cost more than</p> <p>15 \$100 million. So certainly the Corps is going to look</p> <p>16 at those and the DMMP, and lay out what the cost might</p> <p>17 be. But ultimately we would need a sponsor, the State</p> <p>18 of Connecticut, or some other nonfederal public entity</p> <p>19 to step forward and say, yes, Corps, we want to do</p> <p>20 this and we are willing to pay our share.</p> <p>21 So those will be in the DMMP but whether or</p> <p>22 not they actually go into feasibility design and</p> <p>23 construction is going to depend on sponsorship. I</p> <p>24 hope that answers your question.</p> <p>25 MS. FOLSOM-O'KEEFE: It does. Thank you.</p>

<p style="text-align: right;">Page 34</p> <p>1 MR. BURCH: My name is Lou Burch. I am 2 here for the Citizens Campaign for the Environment. 3 One of the slides you showed a while ago pertained to 4 shellfishing areas and there were some graphics 5 demonstrating where some of the shellfishing 6 activities will be restricted. I noticed some of 7 those correlated with previous dump sites. Are those 8 areas restricted due to contamination concerns? Why 9 are some restricted and others are not, et cetera?</p> <p>10 MR. HAY: I will pass this question on to 11 George Wisker, with the Connecticut Department of 12 Energy and Environmental Protection.</p> <p>13 MR. WISKER: I am not a biologist but having 14 dealt with this issue in the past, I think those areas 15 that are restricted are due to some runoff issues, the 16 bacterial issues. Where a certain degree of runoff can 17 actually cause a closure for a while. They are not 18 open all the time. Some of the other beds are open 19 offshore. The only ones that are actually prohibited 20 now are the actual disposal sites themselves. The 21 area surrounding them, it is not a function of the 22 disposal but more or less due to runoff, industrial, 23 legacy types of issues in that area.</p> <p>24 MR. BURCH: Specifically those disposal 25 sites that are prohibited, I assume that is a long</p>	<p style="text-align: right;">Page 36</p> <p>1 or buried. They were actually doing other types of 2 fishing out in those areas as opposed to specifically 3 shellfish.</p> <p>4 MR. HAY: Comments, questions, feedback?</p> <p>5 MR. FROHLING: Nathan Frohling, the Nature 6 Conservancy. Technical question, you talked about the 7 USGS and NOAA data and Eastern Sound. I am wondering 8 is that the recent survey done in the last year or 9 two, what is the date?</p> <p>10 MR. HAY: This data is a combination of 11 surveys that have been done over approximately the last decade. 12 They have been compiled, I think the date of this 13 compilation is 2012. The data were collected over a 14 number of years. Incidentally, there is also data 15 available for Block Island Sound, which will be 16 incorporated into this process. And those data 17 have not been completely processed by the U.S. 18 Geological Survey. Again, we will extend that area to 19 the east as well.</p> <p>20 Did that answer your question?</p> <p>21 MR. FROHLING: Yes.</p> <p>22 MR. SPICER: Bill Spicer, Stakeholders 23 Committee from the Eastern Long Island Sound, State of 24 Connecticut, Regional Council. Also Spicers Marinas. 25 I think I participated in about every one of these meetings.</p>
<p style="text-align: right;">Page 35</p> <p>1 term restriction. I am just trying to get a better 2 sense, again, whether that is due to contamination 3 concerns associated with those disposal sites and why 4 certain disposal sites are completely restricted and 5 others are not.</p> <p>6 MR. WISKER: The active disposal sites are 7 the ones that are restricted or prohibited now. The 8 past sites were tested by the Department of 9 Agriculture. Whether or not they put conditions on 10 is related to what the tests would show.</p> <p>11 MR. BOHLEN: It seems to me on the active 12 sites there is an issue with public health and 13 contaminants. There is also the operational issue. 14 They have a cap out there. They don't want you going 15 out there and messing around with their cap. There 16 are operational issues.</p> <p>17 MR. HAY: For the record, this was Frank 18 Bohlen with the University of Connecticut.</p> <p>19 MR. WISKER: The other issue, I know when 20 they did the Seawolf Project one of the things that 21 the Navy actually had to do was there were so many 22 lobster pots and other fishing gear out there they had 23 to notify the permit holders. We had to give them the 24 licensees so they could notify them to get the 25 equipment out of there or it was going to be pulled up</p>	<p style="text-align: right;">Page 37</p> <p>1 I noticed your good diagram as to how many miles it 2 was from the Connecticut River. And two thoughts came 3 to mind as feedback. If we are working in Fisher's 4 Island Sound for dredging we use shallow draft 5 equipment. So that passing through either the Race or 6 Wicopesset at the Watch Hill passage is really not 7 feasible in winter for shallow draft, small equipment. 8 We also have several sites at the moment. We need at 9 least that many sites. So less sites is not an 10 option. And counting sites that are in Block Island 11 Sound, which is not part of the MPRSA Ambro 12 Legislation, and are not in Long Island Sound, they 13 are not really accessible, especially from Fishers 14 Island Sound. So we need some in-shore sites. We 15 have two at the moment. We need at least two. If New 16 York needs one in Block Island Sound to serve Montauk 17 or Peconic Bay, they need to ask. Thank you.</p> <p>18 MR. HAY: Thank you for your comment. You 19 want to respond, Jeannie?</p> <p>20 MS. BROCHI: I want to make a point. I am 21 not sure if I made this point earlier, but the Zone of 22 Siting Feasibility extended to Block Island because 23 that is the area that the Army Corps of Engineers is 24 including in their Dredged Material Management Plan. 25 So we wanted to overlap that area to be able to use</p>

<p style="text-align: right;">Page 38</p> <p>1 the studies that the Army Corps of Engineers is 2 currently undergoing and use that data. 3 Now, as far as the sites in Block Island Sound, 4 like the Block Island Sound site, those are 5 historically used sites. Some of those sites, as I 6 mentioned before, received dredged material in the 7 '30s or '40s before the regulatory agencies, the EPA 8 existed. So we want to find out as much as we can 9 about those areas. 10 MR. SPICER: Simply said, Jean is 11 right. And your material going forward appears to be 12 well presented, but those that are in Long Island 13 Sound, which I am not, I am in Fishers Island Sound, 14 which also is not in Long Island Sound, we need to be 15 thought of so we don't get lost. And we do need to 16 very carefully remember that Ambro only applies to 17 Long Island Sound. If it helps planning going forward 18 for other areas, God bless you. We need to plan. We 19 don't need any more 2005 surprises. So we need to be 20 planned for. And we have been more than patient. 21 MR. HAY: Thank you, Bill. Any additional 22 comments? 23 Well, we will be here until 4:30. If you 24 have any additional comments please let us know, any 25 additional feedback, or if you know of any additional</p>	<p style="text-align: right;">Page 40</p> <p>1 CERTIFICATE 2 3 4 5 6 I hereby certify that I am a Notary Public, in 7 and for the State of Connecticut, duly commissioned 8 and qualified to administer oaths. 9 I further certify that the foregoing proceedings 10 were taken by me stenographically and reduced to 11 typewriting under my direction, and the foregoing is a 12 true and accurate transcript of the proceedings. 13 Witness my hand and seal as Notary Public 14 the 22nd day of July, 2013. 15 16 17 _____ 18 Notary Public 19 My Commission Expires: 20 November 30, 2017 21 22 23 24 25</p>
<p style="text-align: right;">Page 39</p> <p>1 data that would be helpful in this process we will be 2 more than happy to consider those, as well. 3 Thank you very much for coming. 4 (Whereupon the Public Hearing adjourned at 4:30 5 p.m.) 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	

C E R T I F I C A T E

I hereby certify that I am a Notary Public, in  
and for the State of Connecticut, duly commissioned  
and qualified to administer oaths.

I further certify that the foregoing proceedings  
were taken by me stenographically and reduced to  
typewriting under my direction, and the foregoing is a  
true and accurate transcript of the proceedings.

Witness my hand and seal as Notary Public  
the 22nd day of July, 2013.

*Sarah J. Mines*



Notary Public

My Commission Expires:

November 30, 2017

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# **Appendix A-5**

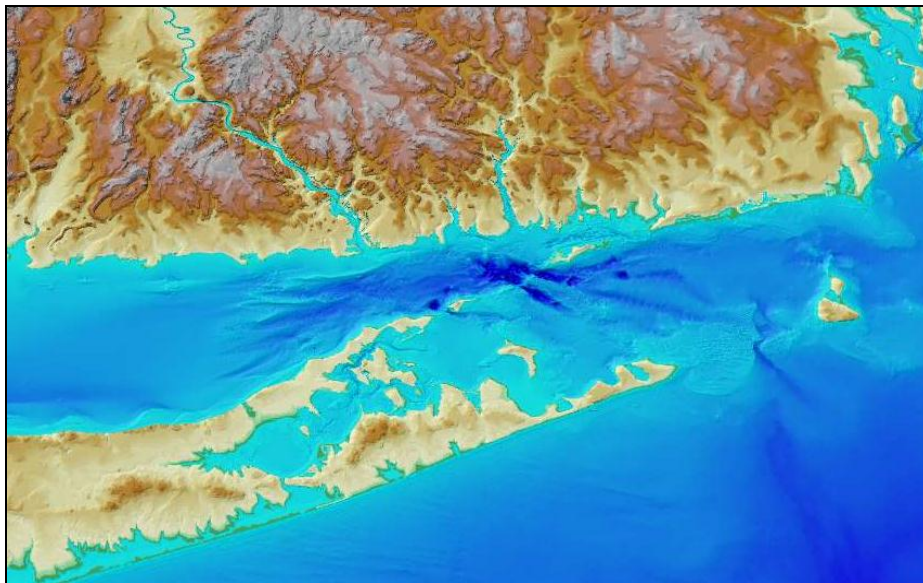
**REPORT OF PUBLIC  
MEETINGS 5 AND 6**



# Supplemental Environmental Impact Statement for the Designation of Dredged Material Disposal Sites in Eastern Long Island Sound, Connecticut and New York

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## Report of Public Meetings 5 (Riverhead, NY) and 6 (New London, CT)



Prepared for: **United States Environmental Protection Agency**

Sponsored by: **Connecticut Department of Transportation**

Prepared by: **Louis Berger**  
(under contract to the University of Connecticut)



March 2015

Supplemental Environmental Impact Statement for the Designation of Dredged  
Material Disposal Sites in Eastern Long Island Sound, Connecticut and New York

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**REPORT OF  
PUBLIC MEETINGS 5 (RIVERHEAD, NY)  
AND 6 (NEW LONDON, CT)**

Held on December 8 (Riverhead) and December 9 (New London), 2014

*Prepared for:*  
**United States Environmental Protection Agency**  
5 Post Office Square, Suite 100  
Boston, MA 02109

*Sponsored by:*  
**Connecticut Department of Transportation**  
Waterways Administration  
2800 Berlin Turnpike  
Newington, CT 06131-7546

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117 Kendrick Street  
Needham, MA 02494

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Department of Marine Sciences  
1080 Shennecossett Road  
Groton, CT 06340

March 9, 2015

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Attachment 5: Transcripts of Public Comments, New London, Connecticut, December 9, 2014	

## **EXECUTIVE SUMMARY**

This report provides a summary of the fifth and sixth public meetings as part of the Supplemental Environmental Impact Statement (SEIS) process for the designation of dredged material disposal sites in the Eastern Long Island Sound region. The SEIS will supplement the Environmental Impact Statement (EIS) for the designation of dredged material disposal sites in the Western and Central Long Island Sound, completed in 2004. The SEIS is prepared for the U.S. Environmental Protection Agency (USEPA), and supported by the Connecticut Department of Transportation (CTDOT). The study is being conducted in consultation with other federal and state agencies of New York State and Connecticut, as well as with consultation of the public.

The two public meetings were held in Riverhead (NY) and in New London (CT) on December 8 and 9, 2014, respectively. The primary purpose of these meetings was to present an overview of the approach and findings of the physical oceanography study conducted in the Eastern Long Island Sound region in support of the SEIS.

## 1. Introduction

In 2005, the USEPA designated the Western and Central Long Island Sound dredged material disposal sites, following the preparation of an EIS. The two disposal sites in the Eastern Long Island Sound, Cornfield Shoals and New London, are scheduled to close in December 2016. The EPA is in the process of preparing a Supplemental EIS (SEIS) for the potential designation of one or more disposal sites needed to serve the Eastern Long Island Sound region. The SEIS is being prepared in accordance with Section 102(c) of the Marine Protection Research and Sanctuaries Act (MPRSA; also referred to as Ocean Dumping Act [ODA]) of 1972. The USEPA has the responsibility of designating sites under Section 102(c) of the Act and 40 CFR Part 228.4 of its regulations. The SEIS is supported by the State of Connecticut through the Connecticut Department of Transportation (CTDOT).

## 2. Public Meetings

In accordance with USEPA's voluntary NEPA policy, the USEPA is conducting an extensive public involvement program throughout the development of the SEIS. Public scoping meetings were held on November 14, 2012 (Groton, CT) and January 9 (Riverhead, NY). Public meetings were also held on June 25 (Riverhead, NY) and June 26 (New London, CT), 2014; these meetings discussed the process and first results of the screening of the Eastern Long Island Sound project area (referred to as the 'Zone of Siting Feasibility' or ZSF) for potential dredged material disposal sites.

The objective of Public Meetings 5 and 6 was to present the approach and findings of the Physical Oceanography (PO) study, conducted by the University of Connecticut (UConn) in the ZSF in support of the SEIS (Figure 1). The meeting was informational. Comments and questions were invited during the meeting. There was no official comment period following the meetings. Meetings were held on the following dates and locations:

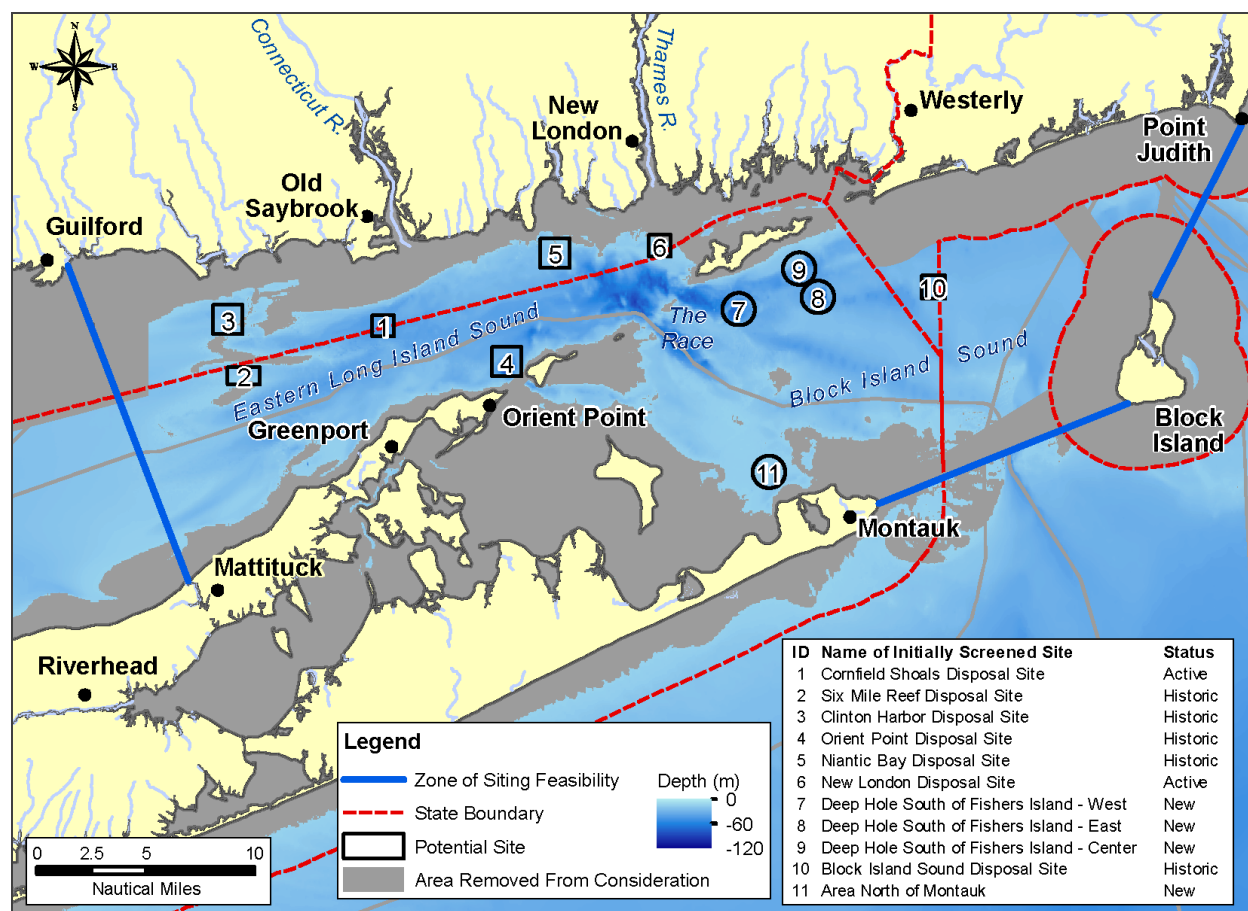
- December 8, 2014 Suffolk County Community College, Riverhead, New York
- December 9, 2014 Fort Trumbull, New London, Connecticut

Both meetings were held between 3pm and 5pm. The format and agenda for each meeting were identical.

---

Time	Agenda Item	
2:00 pm	Registration	
3:00 pm	Ground Rules/Logistics	Facilitator, Bernward Hay, Louis Berger
3:05 pm	Welcome/Project Update	Jean Brochi, Project Manager, Ocean and Coastal Protection Unit, EPA Region 1
3:15 pm	Physical Oceanography Study	Frank Bohlen and Grant McCardell, UConn
4:05 pm	Discussion	Bernward Hay, Louis Berger
5:00 pm	Adjourn	

---



**Figure 1:** Zone of Siting Feasibility, which was the project area for the Physical Oceanography study. Also listed are eleven initially screened potential alternative disposal sites.

### 3. Meeting Summary

Scoping is part of the NEPA process through which federal agencies discuss the purpose of and need for the proposed action; the projected area extent and range of potential impacts resulting from the proposed action; and the studies necessary to determine the extent of potential impacts resulting from these actions. Public Meetings 5 and 6 presented the findings of the physical oceanography study.

The lists of Attendees and Commenters/Speakers from the Public are provided in Attachment 2. Presentations given by Ms. Jean Brochi (USEPA) and Drs. Frank Bohlen and Grant McCardell (UConn, Department of Marine Sciences) are provided in Attachment 3. Transcripts, required for both meetings, were prepared by Mr. Robert Pollack from Alliance Reporting Service, Inc. (Riverhead meeting) and by Ms. Jackie McCauley from Brandon Huseby Reporting & Video (New London meeting); their transcripts are enclosed as Attachments 4 and 5, respectively.



Following is a summary of the two meetings:

- **Attendees:** A total of 27 attendees signed in at the Riverhead meeting; a total of 34 attendees signed in at the New London meeting. Attendees at both meetings included members from the Public, non-profit organizations, private companies, state and federal agency representatives, and representatives of government officials. Specifically, agency representatives included the USEPA, U.S. Army Corps of Engineers, U.S. Navy, CTDOT, Connecticut Department of Energy and Environmental Protection, New York State Department of State, and New York State Department of Environmental Conservation.
- **Commenters:** After the presentations, four individuals commented or asked questions at the Riverhead meeting; eight individuals commented or asked questions at the New London meeting.

# **Attachment 1**

## **MEETING ANNOUNCEMENT**

**From:** Grimaldi, Alicia [mailto:Grimaldi.Alicia@epa.gov]  
**Sent:** Tuesday, November 18, 2014 4:18 PM  
**To:** ELIS  
**Cc:** Brochi, Jean; Grimaldi, Alicia  
**Subject:** NOTICE OF PUBLIC MEETINGS re: Eastern Long Island Sound Supplemental Environmental Impact Statement

The Environmental Protection Agency will be hosting another set of public meetings in Riverhead, NY and New London, CT to discuss the Supplemental Environmental Impact Statement (SEIS) to evaluate the potential designation of one or more dredged material disposal sites in eastern Long Island Sound. The purpose of this meeting is to present the status of the site screening process, the results of the physical oceanography study, and the next steps for releasing the draft SEIS and proposed rulemaking. The information for these public meetings is below.

**MONDAY, DECEMBER 8, 2014**

3:00 – 5:00 p.m. (registration begins at 2:30)  
Suffolk County Community College, Culinary Arts & Hospitality Center  
20 East Main Street  
Riverhead, NY 11901  
Directions: [http://department.sunysuffolk.edu/CulinaryArts\\_E/3232.asp](http://department.sunysuffolk.edu/CulinaryArts_E/3232.asp)

**TUESDAY, DECEMBER 9, 2014**

3:00 – 5:00 p.m. (registration begins at 2:30)  
Fort Trumbull  
90 Walbach Street  
New London, CT 06320  
Directions: <http://www.fortfriends.org/info.htm>

For additional information, please visit:  
<http://www.epa.gov/region1/eco/lisdreg/elis.html>.

Please consider forwarding this message to any parties who may be interested in attending. If you wish to be removed from this e-mail list or if you have any questions, please e-mail [ELIS@epa.gov](mailto:ELIS@epa.gov). Thank you!

**Alicia Grimaldi**

Ocean & Coastal Protection  
Environmental Protection Agency, Region 1  
5 Post Office Square, Suite 100  
Mail Code: OEP06-01  
Boston, MA 02109  
Tel: (617)918-1806  
Fax: (617)918-0806

## **Attachment 2**

### **LISTS OF ATTENDEES AND COMMENTERS FROM THE PUBLIC**

- Riverhead, NY      December 8, 2014
- New London, CT      December 9, 2014

*Note: Addresses and contact information was provided on the original Sign-in sheets but not listed here for privacy reasons. Spelling of names and organizations was verified, if needed, using the internet. Names are listed in the order shown on the Sign-in sheets.*

## Riverhead, NY, December 8, 2014

### ATTENDEE SIGN-IN

NAME	ORGANIZATION	QUESTIONS / COMMENTS?
Doug Pabst	U.S. Environmental Protection Agency, Region 2	
Mel Coté	U.S. Environmental Protection Agency, Region 1	
Patricia Pechko	U.S. Environmental Protection Agency, Region 2	
Mark Haubner	North Fork Audubon Society	
Nancy Brighton	U.S. Army Corps of Engineers, New York District	
Mark Habel	U.S. Army Corps of Engineers, New England District	
David Bergen	Southold Town Trustee	
Mike Zimmerman	New York State Department of State	
Dan Gulizio	Peconic Baykeeper	
Kari Gathen	New York State Department of State	
Kevin McAllister	Defend H <sub>2</sub> O	Yes
Jennifer Street	New York State Department of State	
William Gash	Connecticut Maritime Coalition	Yes
Charles de Quillfeldt	New York State Department of Environmental Conservation	
Gwynn Schroeder	Office of Legislator Al Krupski	
Maureen Murphy	Citizens Campaign for the Environment	
Adrienne Esposito	Citizens Campaign for the Environment	Yes
Frank Bohlen	University of Connecticut	
Alicia Grimaldi	U.S. Environmental Protection Agency, Region 1	
Marie Domeneci	Suffolk County	
Bernward Hay	The Louis Berger Group, Inc.	
Jean Brochi	U.S. Environmental Protection Agency, Region 1	
Mark Woolley		
Joe Salvatore	Connecticut Department of Transportation	
George Wisker	Connecticut Department of Energy and Environmental Protection	
Marguerite Purnell	Fishers Island Conservancy	Yes
Grant McCardell	University of Connecticut	

## New London, CT, December 9, 2014

### ATTENDEE SIGN-IN

NAME	ORGANIZATION	QUESTIONS / COMMENTS?
Joseph Salvatore	Connecticut Department of Transportation	
Mark Habel	U.S. Army Corps of Engineers, New England District	
Bernward Hay	Louis Berger	
Lisa Lefkovitz	Battelle	
Stacy Pala	Battelle	
Alan Stevens	Connecticut Department of Transportation	
Todd Randall	U.S. Army Corps of Engineers, New England District	
Frank Bohlen	University of Connecticut	
Bill Spicer	Spicer's Marinas	Yes
Lou Allyn	Mystic Harbor Management	
Andrew Ahrens	Fishers Island Conservancy	
Bob Evans	Fishers Island Conservancy	
John Johnson	Connecticut Marine Trades Association	Yes
Ron Helbig	Noank Village Boatyard	Yes
Shauna Lake	Americas Styrenics	
David Boomer	The Kowalski Group	
Brian Thompson	Connecticut Department of Energy and Environmental Protection	
Christian McGugan	Gwenmor Marina and Gwenmor Marine Contracting	Yes
Kris Shapiro	Cedar Island Marina	
Jeff Shapiro	Cedar Island Marina	Yes
Tracey McKenzie	U.S. Navy	Yes
Mike Zimmerman	New York State Department of State	
Judy Benson	The Day	
Jean Brochi	U.S. Environmental Protection Agency, Region 1	
Bill Gardiner	Spicer's Marina	
John Gardiner	Spicer's Marina	
Kathleen Burns	Connecticut Marine Trades Association	
Abbie McAllister	Saybrook Point Marina	Yes
Ayanti Grant	Congressman Joe Courtney	
Grant McCardell	University of Connecticut	
Matt LeBeau	Office of Senator Blumenthal	
George Wisker	Connecticut Department of Energy and Environmental Protection	
Peter Francis	Connecticut Department of Energy and Environmental Protection	
Drew Carey	CoastalVision	Yes



## **Attachment 3**

### **PRESENTATIONS**

- **Jean Brochi, Project Manager, Ocean and Coastal Protection Unit, EPA Region 1:**  
*Project Update* (Slides 1 to 13)
- **Frank Bohlen and Grant McCardell, University of Connecticut:**  
*Physical Oceanography Study* (Slides 14 to 60)

Note: Presentation slides were identical at each meeting.

# Eastern Long Island Sound Supplemental Environmental Impact Statement

Public meetings in Riverhead, NY and New London, CT



U.S. EPA Region 1  
December 8 & 9, 2014

## Agenda

2:30 pm      *Registration*

3:00 pm      *Ground Rules/Logistics*  
Mr. Bernward Hay, Louis Berger

3:05 pm      *Welcome/ELIS SEIS update*  
Jean Brochi, Ocean and Coastal Protection  
Unit, EPA Region 1

3:15 pm      *Physical Oceanography Study*  
Frank Bohlen and Grant McCardell, UCONN

4:05 pm      *Discussion*  
Mr. Bernward Hay, Louis Berger

5:00          *Adjourn*



# EPA-USACE Share Responsibility

- Marine Protection, Research, and Sanctuaries Act (MPRSA, aka Ocean Dumping Act)
  - Section 102: EPA Designates Sites
  - Section 103: USACE Selects Sites subject to EPA concurrence
- Dredged material disposal at these sites must meet criteria in Ocean Dumping Regulations (40 CFR Parts 220-229)
- Clean Water Act (CWA)
  - Section 404: USACE issues permits subject to EPA concurrence
  - Section 404(c): EPA has veto authority



# Long Island Sound Dredged Material Disposal Sites

Designated by EPA in July 2005:

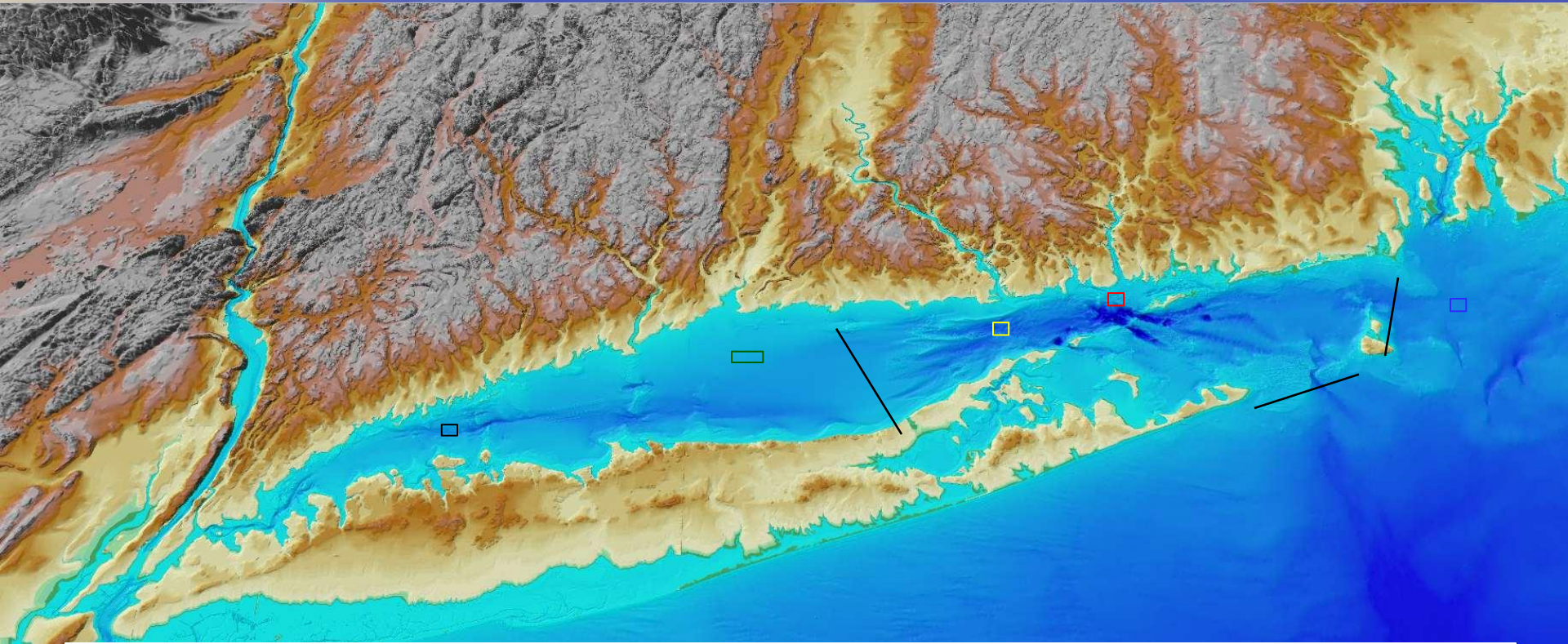
- Western Long Island Sound
- Central Long Island Sound

Selected by Corps in 1990s, scheduled to close December 2016:

- Cornfield Shoals
- New London



# ELIS SEIS Process



□ Western Long Island Sound Disposal Site

□ Central Long Island Sound Disposal Site



Cornfield Shoals Disposal Site



New London Disposal Site



Rhode Island Sound Disposal Site

— Zone of Siting Feasibility



# EPA's Role in Dredging

- Designate ocean dredged material disposal sites for long-term use (following EPA's voluntary NEPA policy to prepare an EIS)
- Promulgate regulations and criteria for disposal site selection and permitting discharges
- Review USACE dredging projects and permits
- Develop site monitoring/management plans (SMMP)
- Monitor disposal sites jointly with Corps

# Approach to Screening

- Screening Criteria for ocean dredged material site designation -

Marine Protection, Research, and Sanctuaries Act of 1972 (MPRSA):

5 general criteria (40 CFR 228.5)

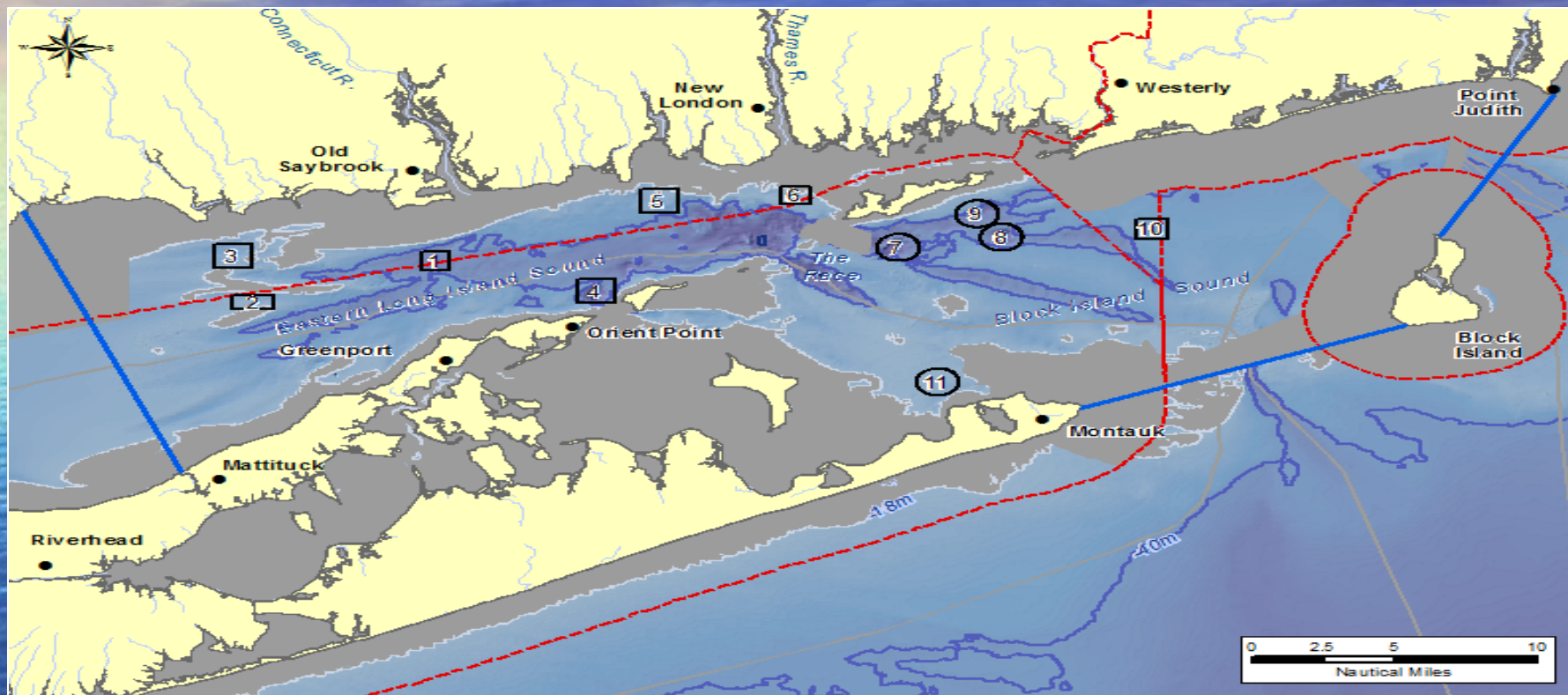
11 specific criteria (40 CFR 228.6)



# Site Screening - Examples

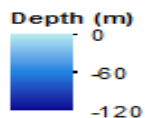
- Sedimentary Environment
  - Bathymetry
  - Currents and Waves; Bottom Stress
  - Sediment Texture (resuspension potential; habitat)
- Areas of Conflicting uses
  - Infrastructure (cables, pipelines)
  - Navigation (shipping lanes, anchoring areas)
  - Recreation (areas and navigation)
  - Conservation Areas (sanctuaries, wildlife refuges, National Seashores, parks, artificial reefs, etc.)
  - Cultural and Archaeological Resources
- Biological Resources
  - Shellfish Beds
  - Benthic Community
  - Fish Habitat, Fish Concentrations, and Fishing Areas
  - Breeding, Spawning, Nursery, Feeding, and Passage Areas

# ELIS SEIS – 11 sites for screening process



## Legend

- Zone of Siting Feasibility
- - - State Boundary
- Potential Site
- Area Removed From Consideration



## ID Name of Initially Screened Site

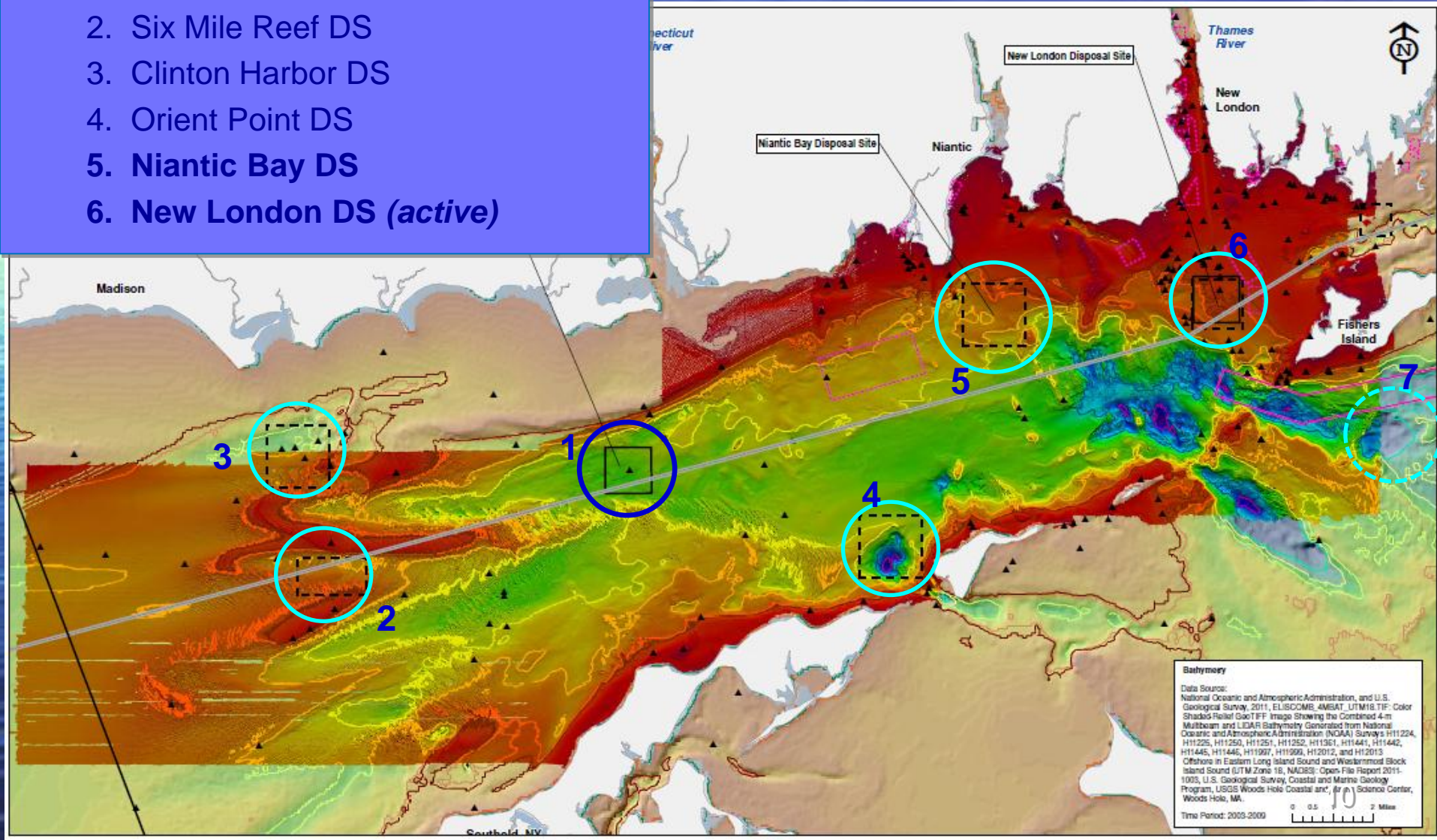
- |    |  |          |
|----|--|----------|
| 1  | Cornfield Shoals Disposal Site             | Active   |
| 2  | Six Mile Reef Disposal Site                | Historic |
| 3  | Clinton Harbor Disposal Site               | Historic |
| 4  | Orient Point Disposal Site                 | Historic |
| 5  | Niantic Bay Disposal Site                  | Historic |
| 6  | New London Disposal Site                   | Active   |
| 7  | Deep Hole South of Fishers Island - West   | New      |
| 8  | Deep Hole South of Fishers Island - East   | New      |
| 9  | Deep Hole South of Fishers Island - Center | New      |
| 10 | Block Island Sound Disposal Site           | Historic |
| 11 | Area North of Montauk                      | New      |

## Status



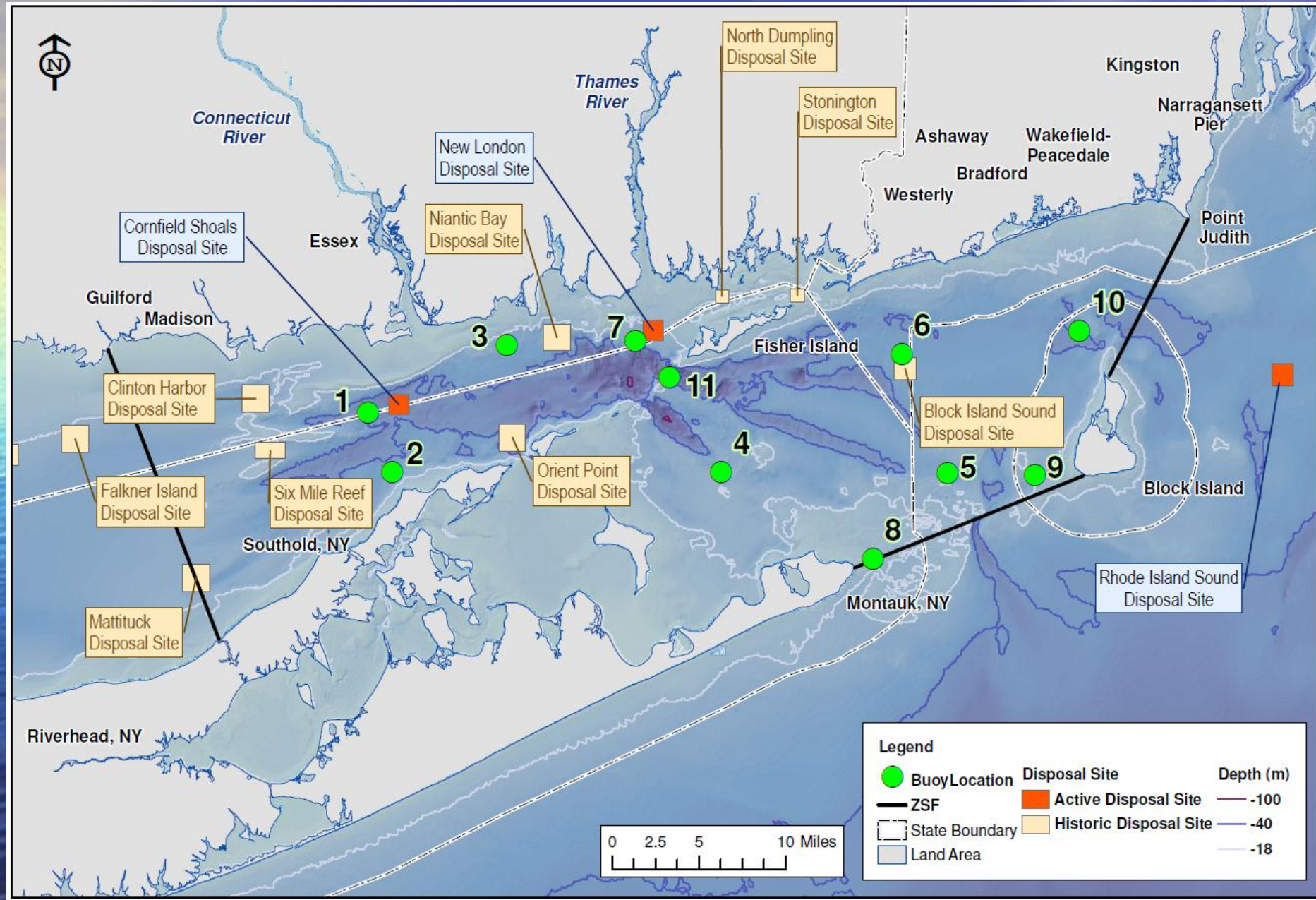
# ELIS SEIS Process

1. Cornfield Shoals DS (*active*)
2. Six Mile Reef DS
3. Clinton Harbor DS
4. Orient Point DS
5. Niantic Bay DS
6. New London DS (*active*)





# Physical Oceanography Study – Buoy Locations





# ELIS SEIS Process

- Notice of Intent: published October 16, 2012.
- Cooperating agency and Public meetings in 2012 and 2013.
- EPA website revised:  
<http://www.epa.gov/region1/eco/lisdreg/elis.html>
- Email notification system, contact:  
[ELIS@epa.gov](mailto:ELIS@epa.gov) if you would like to be added to the email distribution list.



# Next Steps

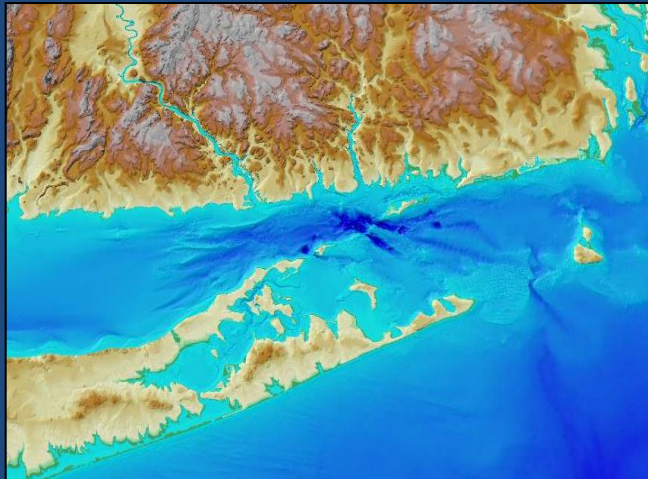
- Draft ELIS SEIS/rulemaking - Spring 2015
- Public meetings – Spring 2015
- If SEIS recommends designation of one or more sites, publish final SEIS and rulemaking by December 2016.



Supplemental Environmental Impact Statement for the Designation of Dredged Material Disposal Site(s) in Eastern Long Island Sound, Connecticut and New York

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# Physical Oceanography of Eastern Long Island Sound Region



Prepared for: **U.S. Environmental Protection Agency**

Sponsored by: **Connecticut Department of Transportation**

Prepared by: **University of Connecticut**

with support from: **Louis Berger**



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**Public Meetings 5+6 (December 8+9, 2014)**



# Outline

1. Physical Oceanography in the ZSF – Purpose
2. Model: *Configure and test*
3. Evaluation of Simulations
  - Field Program: *Collect data (currents and stress etc.) at a set of stations that are expected to exhibit a wide range of conditions*
  - Model Performance: *Evaluate predictions of model with new data*
4. Analysis
5. Summary

# Physical Oceanography

- Physical oceanography is the science that explains the patterns of ocean circulation and the distribution of properties such as temperature and salinity. Elements of physical oceanography include tides, currents, waves, and sediment transport.

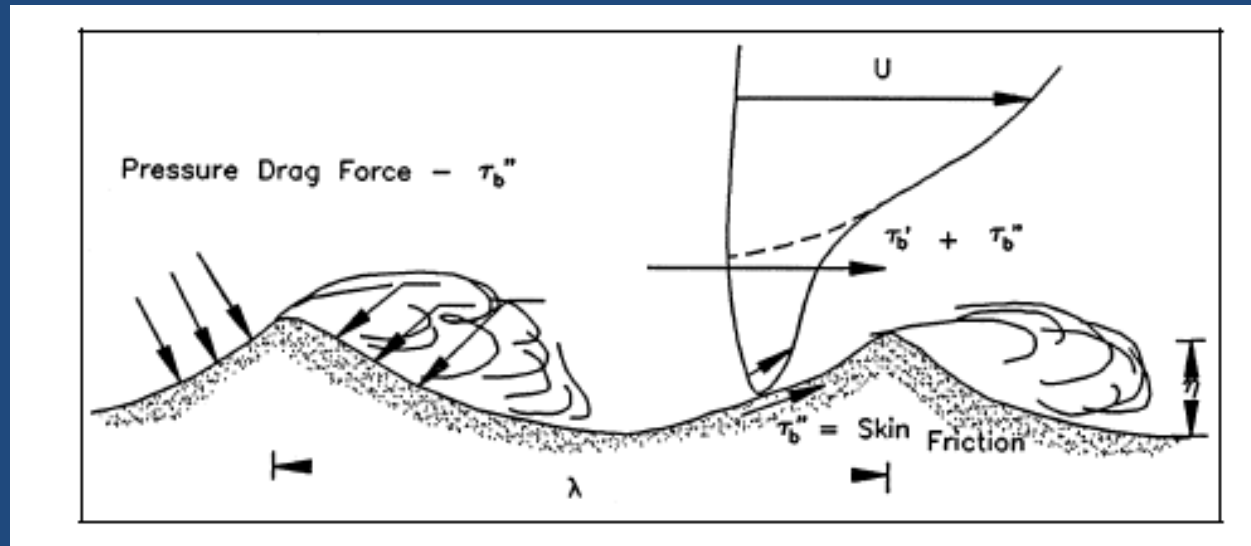
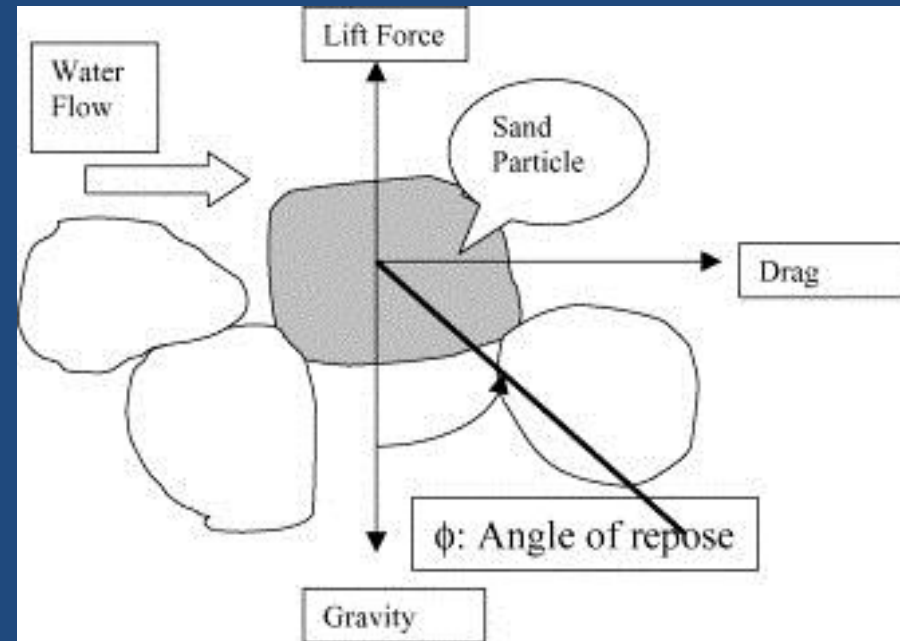
Of particular importance within this study are the factors governing boundary shear stress

# Sediment Transport

For sediment resuspension the lift force due to the flow around it must exceed the gravity force.

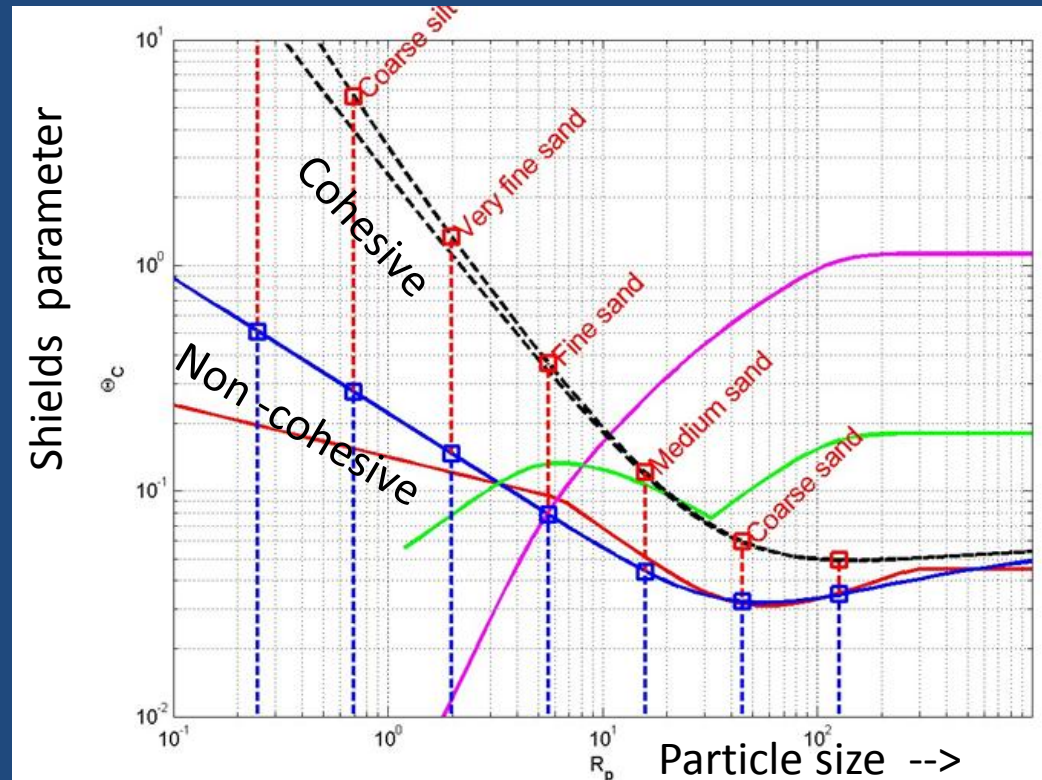
The lift and drag forces slow the water and this effective force per unit area is called the **shear stress**.

Bedforms have a similar effect on the flow... they slow it down.





# Critical Erosion Stress



**Figure 34.** A graphical representation of the relationship between sediment particle size for cohesive and non-cohesive particles.

The red and blue solid lines are analytical representations of the critical Shields parameter,  $\Theta_{c0} = \tau_{c0} / \rho_w s g d$ , for non-cohesive sediments as a function of the particle Reynolds number. The black dashed lines show the influence of cohesion and adhesion on the critical value for the onset of particle motion.

The green and magenta lines show the critical values for the onset of sediment suspension as predicted by Bagnold (1966) and van Rijn (1984), respectively. The lower boundaries of the particle Reynolds numbers for traditional sediment classes (see Table 7) are shown by the blue dashed lines.

# Particle Size and Critical Stress for Cohesive and Non-cohesive Sediments

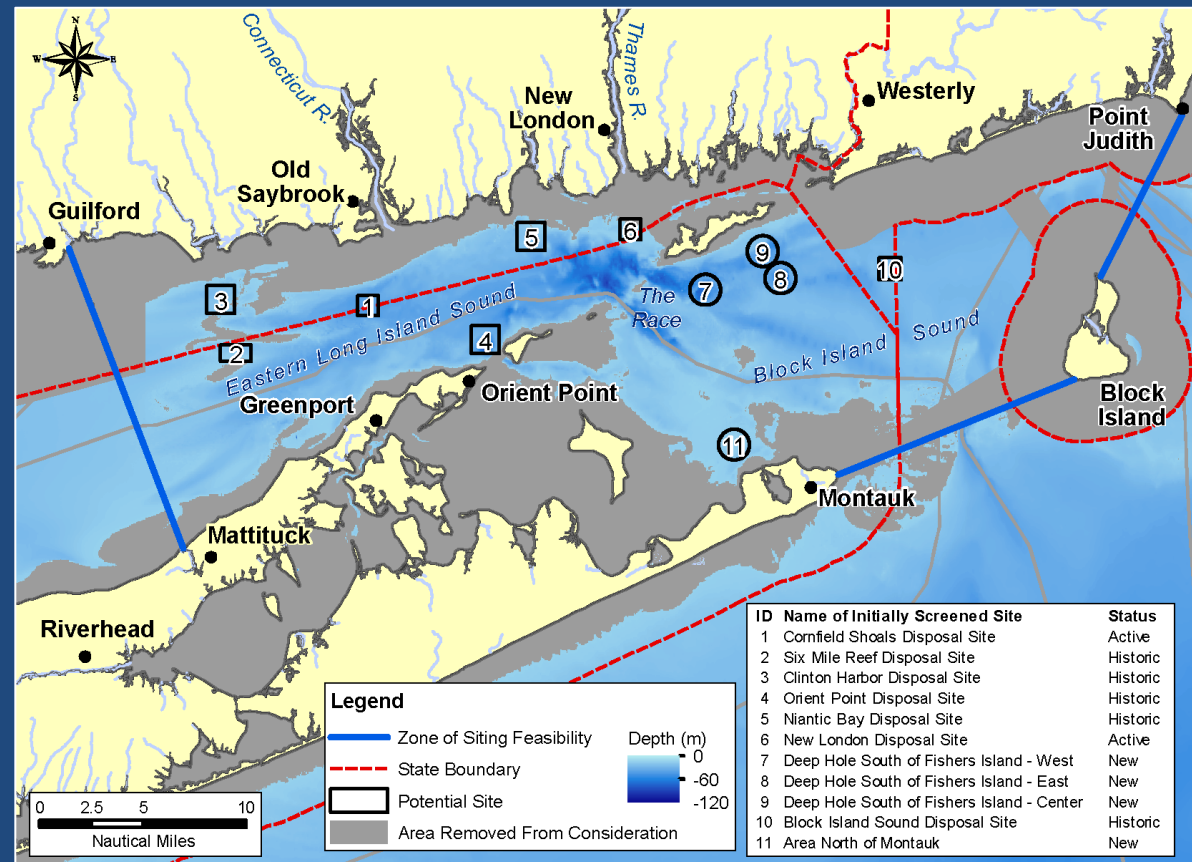
Size			Non-Cohesive Sediments				Cohesive Sediments		
Classification	Particle Size		Reynolds Number	Critical Shields Parameter	Critical Stress	Critical Velocity	Critical Shields Parameter	Stress at the Initiation of Motion	Critical Velocity
	Phi	d (mm)	R <sub>p</sub>	Θ <sub>c0</sub>	τ <sub>c0</sub> (Pa)	u <sub>1,0</sub> (m/s)	Θ <sub>c</sub>	τ <sub>c</sub> (Pa)	u <sub>1</sub> (m/s)
Column No.	2	3	4	5	6	7	8	9	10
Coarse sand	1-0	0.50	44.96	0.03	0.26	0.32	0.06	0.48	0.44
Medium sand	2-1	0.25	15.90	0.04	0.18	0.27	0.12	0.49	0.44
Fine sand	3-2	0.13	5.62	0.08	0.16	0.25	0.37	0.74	0.54
Very fine sand	4-3	0.06	1.99	0.15	0.15	0.24	1.33	1.35	0.73
Coarse silt	5-4	0.03	0.69	0.27	0.14	0.23	5.62	2.81	1.06
Medium silt	6-5	0.02	0.25	0.51	0.13	0.23	26.33	6.64	1.63
Fine silt	7-6	0.01	0.09	0.95	0.12	0.22	143.41	18.09	2.69

Notes: Columns 5 to 7 provide example magnitudes of the critical shields parameter,  $\Theta_{c0}$ , for non-cohesive sediments and the stress  $\tau_{c0}$  at the initiation of motion for the lower bounds for specific particle size classes listed on the left. An estimate of the magnitude of the required current at 1m above the sea floor required to create the critical stress for non-cohesive sediments is provided as  $u_{1,0} = \sqrt{\tau_{c0} / \rho C_d}$  where  $C_d = 2.5 \times 10^{-3}$  is assumed. Analogous estimates for cohesive sediments are provided Columns 8 to 10 based on the theory presented by Righetti and Lucarelli (2007). Values shaded in blue are extrapolations beyond the range of particle sizes used in parameterization.

# Objective of PO Study

Support evaluation and selection of potential dredged material disposal sites within the Zone of Siting Feasibility (ZSF)

- Describe distribution of maximum bottom stress magnitudes expected in the ZSF including 'Superstorm Sandy' conditions (100-year storm)
- Characterize circulation in the ZSF to support assessment of potential off-site effects
- Acquire physical oceanography data to support future modeling of sediment transport at potential dredged material disposal sites

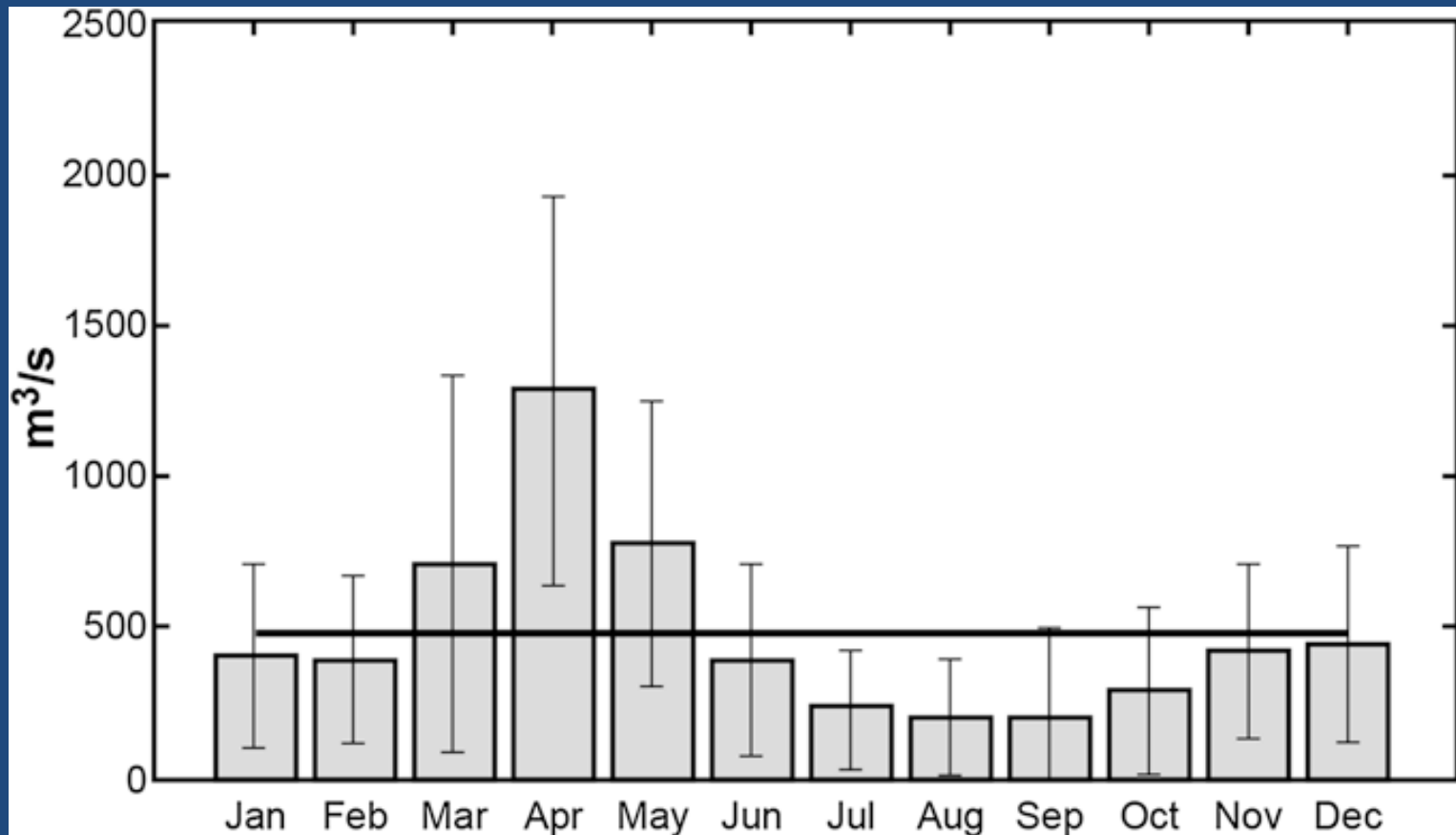


*Zone of Siting Feasibility (ZSF). Initial screening identified (1) areas not suitable for locating dredged material disposal sites due to various constraints (gray zone), and (2) 11 sites for further investigation as potential disposal sites; these sites include two active and five historic disposal sites, and six 'new' sites not previously used for dredged material disposal. The background represents water depth.*



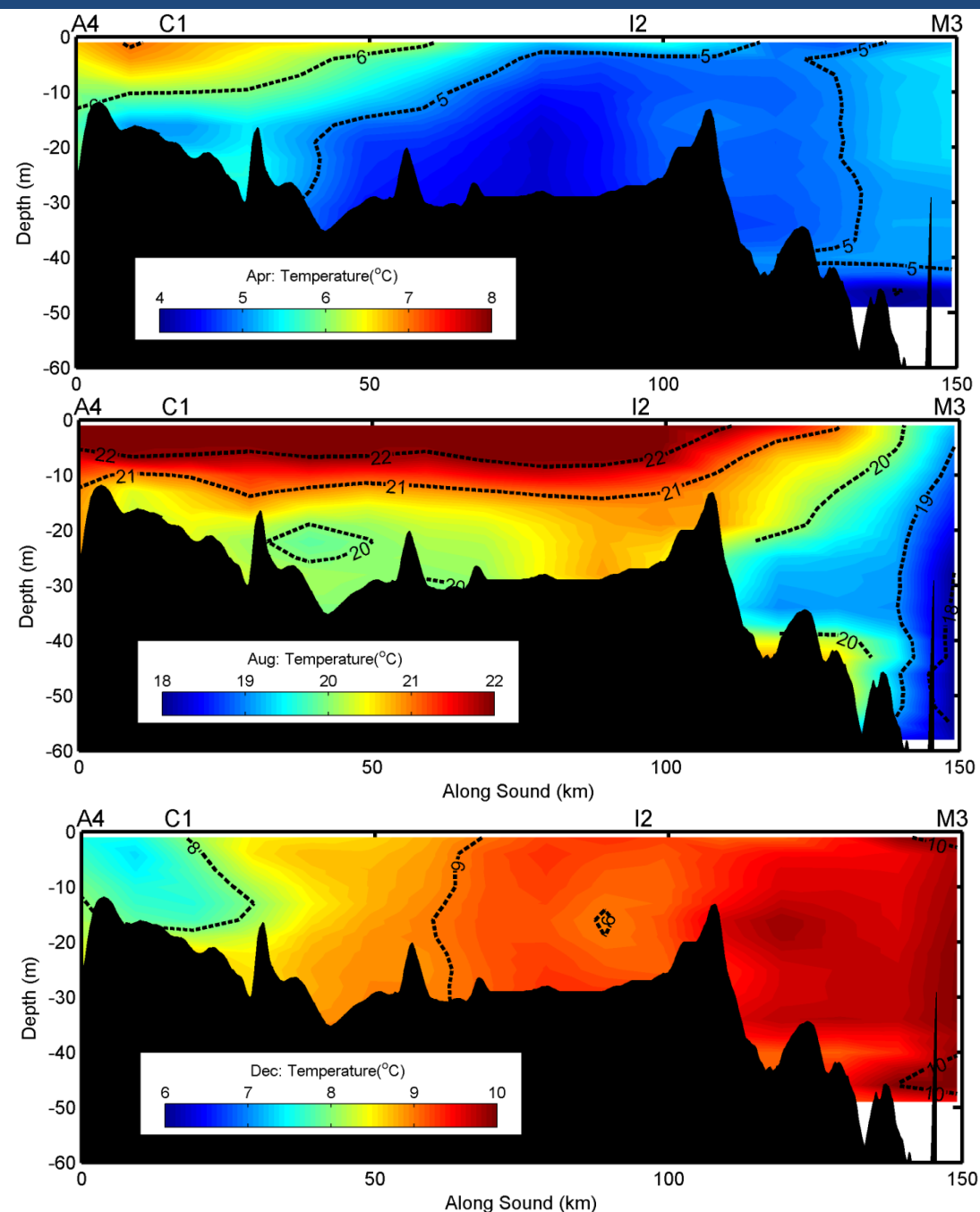
# River Inflow

Monthly Discharge of Connecticut Rivers (~80% of total inflow to Long Island Sound)





# Water Temperature



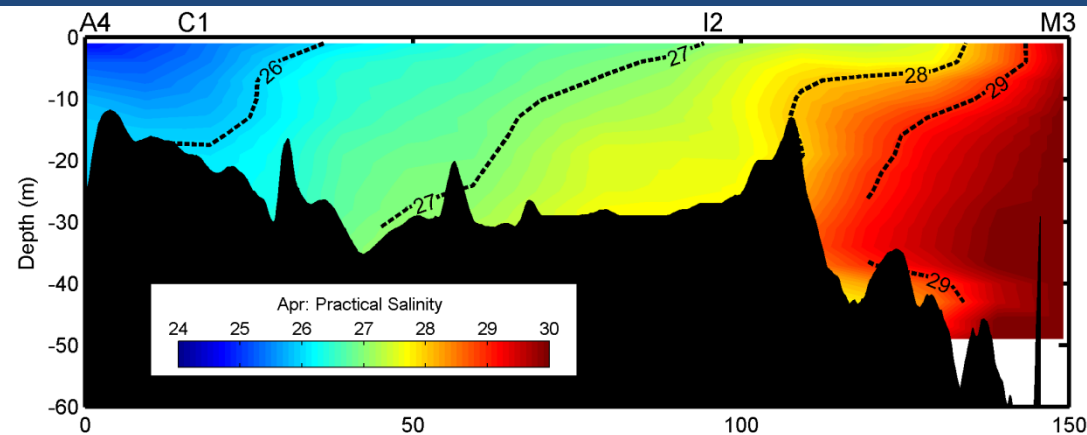
(a)

(b)

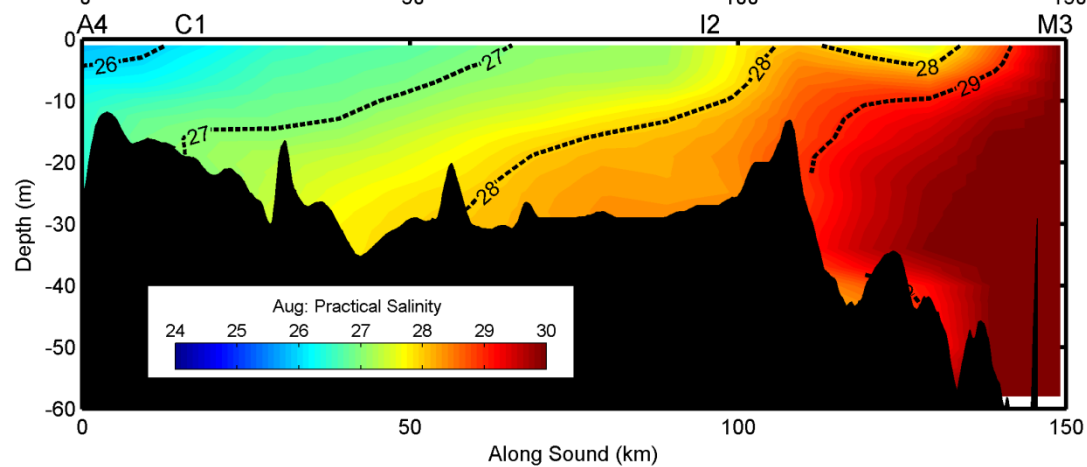
(c)



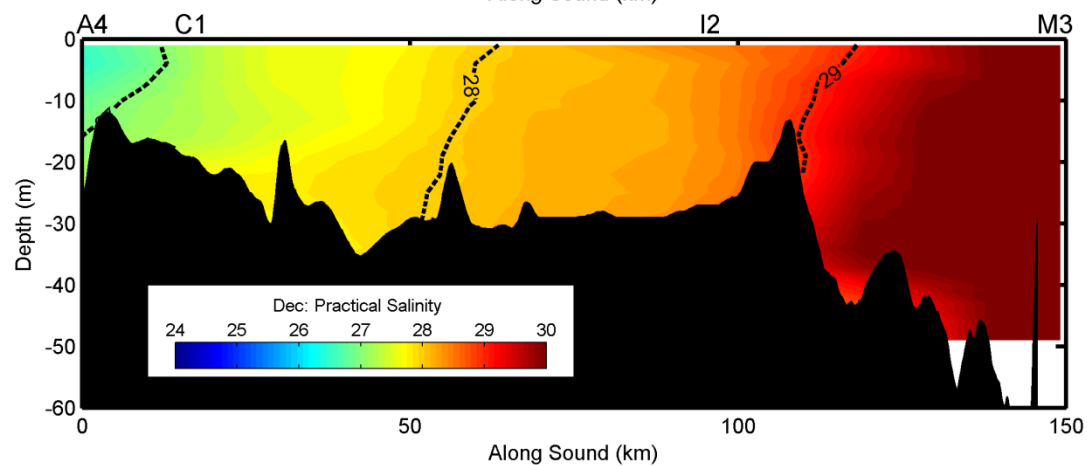
# Salinity



(a)



(b)



(c)

# Tidal Current Oscillations

- 00:00 AM



# Tidal Current Oscillations

- 03:00 AM





# Tidal Current Oscillations

- 06:00 AM



# Tidal Current Oscillations

- 09:00 AM





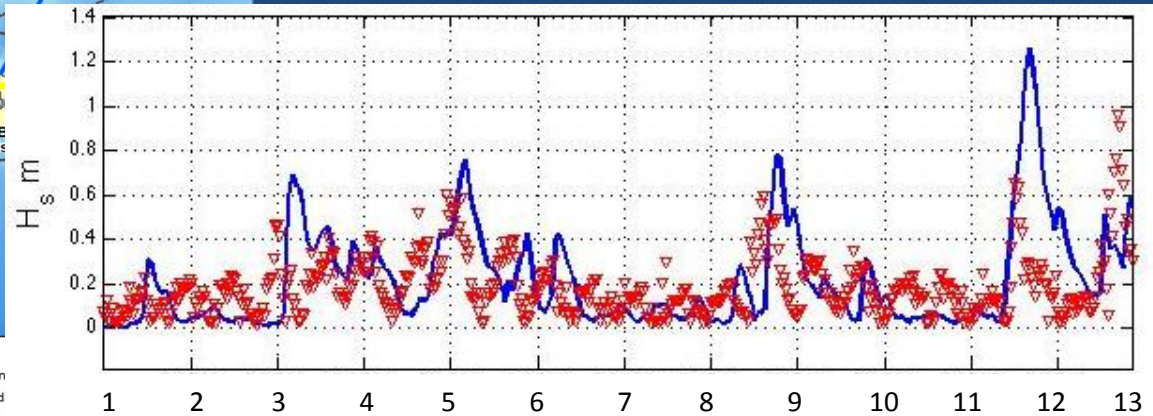
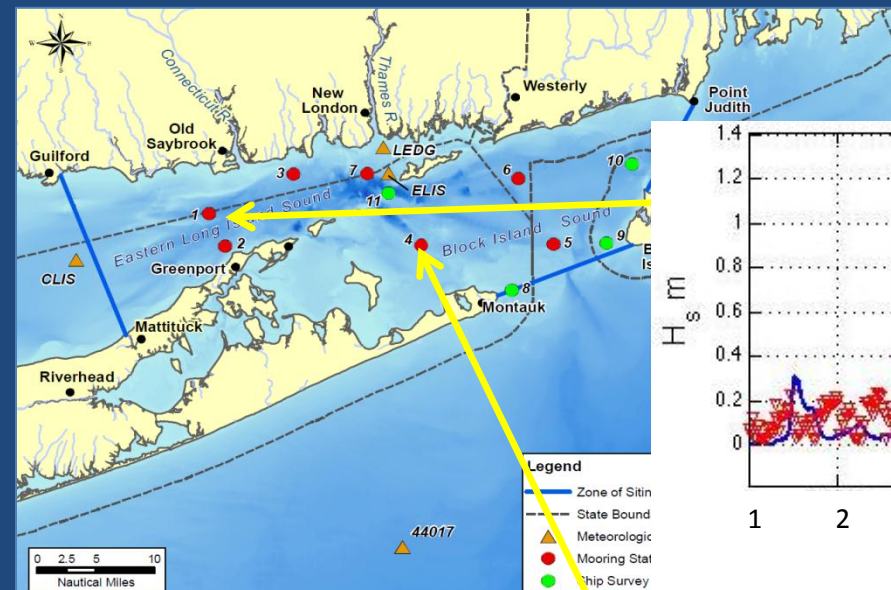
# Tidal Current Oscillations

- 12:00 AM

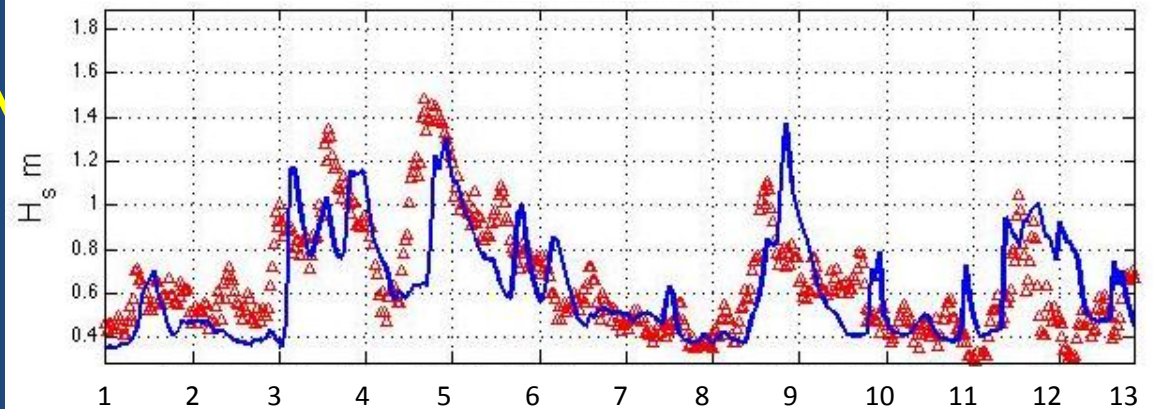




# Significant Wave Height Observations (*red*)



May 2013



May 2013

Comparison of model and observed significant wave height at Stations DOT1 (upper panel) and DOT4 (lower panel) during May 2013.

## 2. Model – Questions for Study

- What is the distribution and spatial variation in the bottom stress?
- Where are the regions in which the maximum stresses are smallest?
- Where does material in the water at potential sites go?

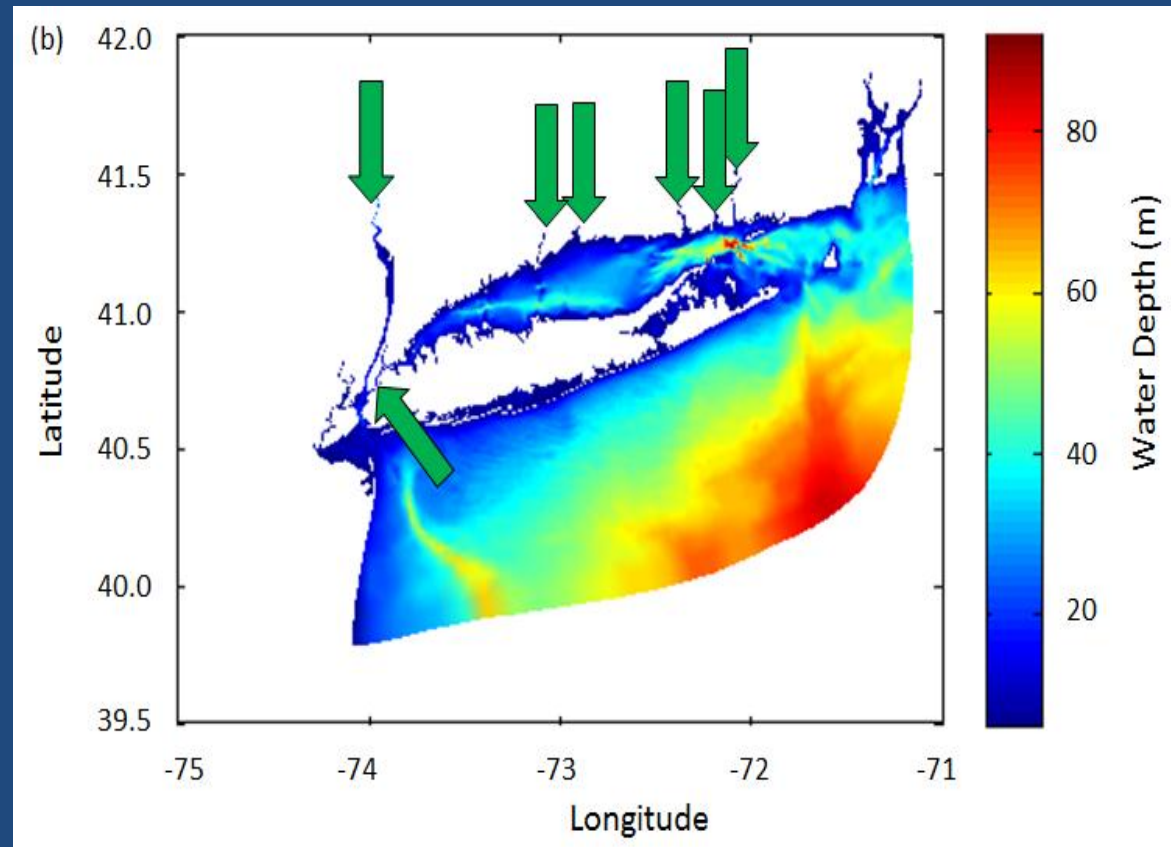
## 2. Model

### FVCOM - Finite Volume Community Ocean Model

- Developed by Prof. Chen, Univ. of Massachusetts, adapted for Long Island Sound
- Nested within NECOFS (Northeast Coastal Ocean Forecast System)
- Forced by:

- Tides
- Observed River flow and wind
- Climatology for surface heat exchange
- Climatology for initial conditions

*Bathymetry of the LIS model subdomain with the locations of freshwater sources (green arrows; from left to right: Hudson River, New York City wastewater treatment plants, Housatonic River, Quinnipiac River, Connecticut River, Niantic River, and Thames River).*



## 2. Model *(cont.)*

### **An Unstructured Grid, Finite-Volume, Three-Dimensional, Primitive Equations Ocean Model: Application to Coastal Ocean and Estuaries**

CHANGSHENG CHEN AND HEDONG LIU

*School for Marine Science and Technology, University of Massachusetts–Dartmouth, New Bedford, Massachusetts*

ROBERT C. BEARDSLEY

*Department of Physical Oceanography, Woods Hole Oceanographic Institution, Woods Hole, Massachusetts*

The “Model” is based on Newton’s laws.

It predicts the water velocity, level, temperature and salinity.

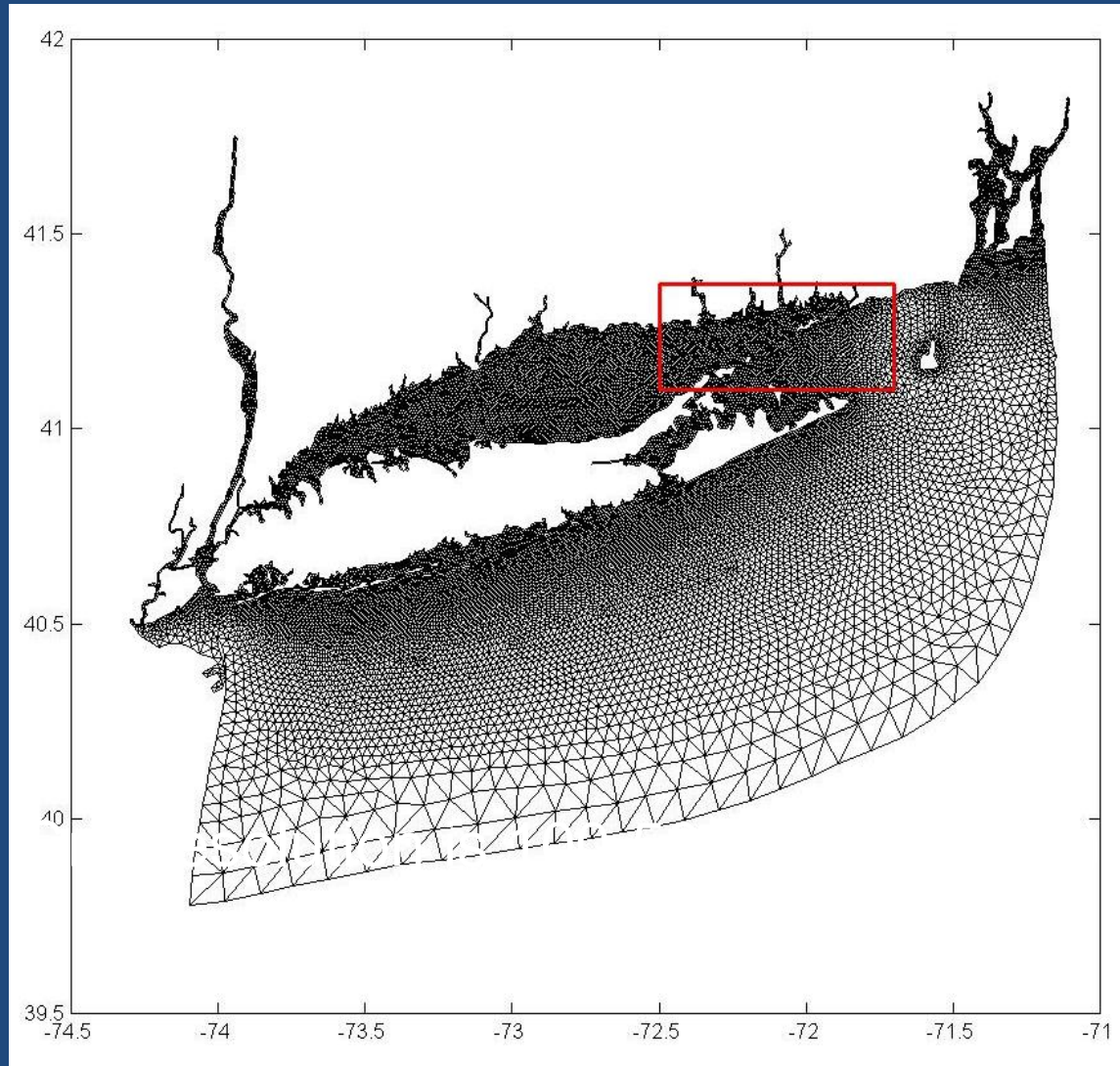
The bottom stress magnitude is computed from the formula

$$\tau = \rho C_D (u^2 + v^2)$$

Where the coefficient  $C_D$ , is called the DRAG COEFFICIENT.

## 2. Model *(cont.)*

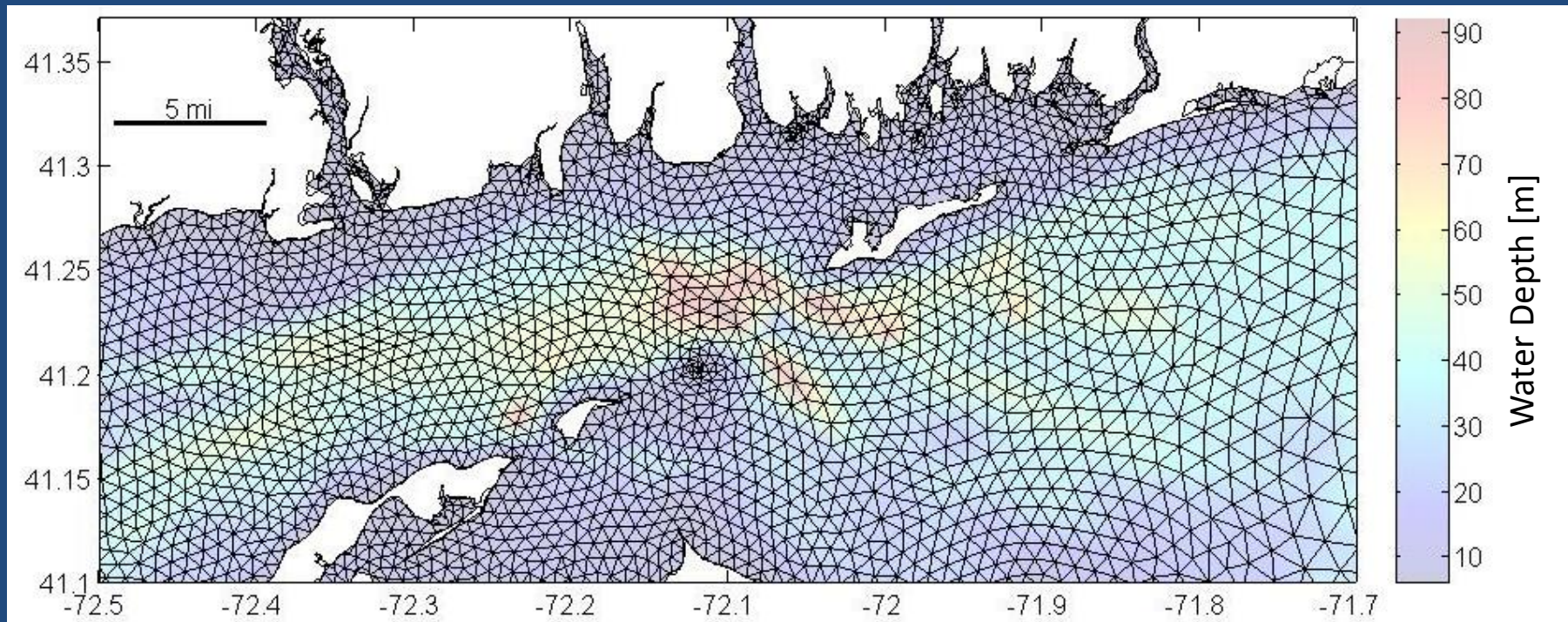
FVCOM runs on an unstructured triangular grid (mesh)





## 2. Model *(cont.)*

FVCOM runs on an unstructured triangular grid (mesh)

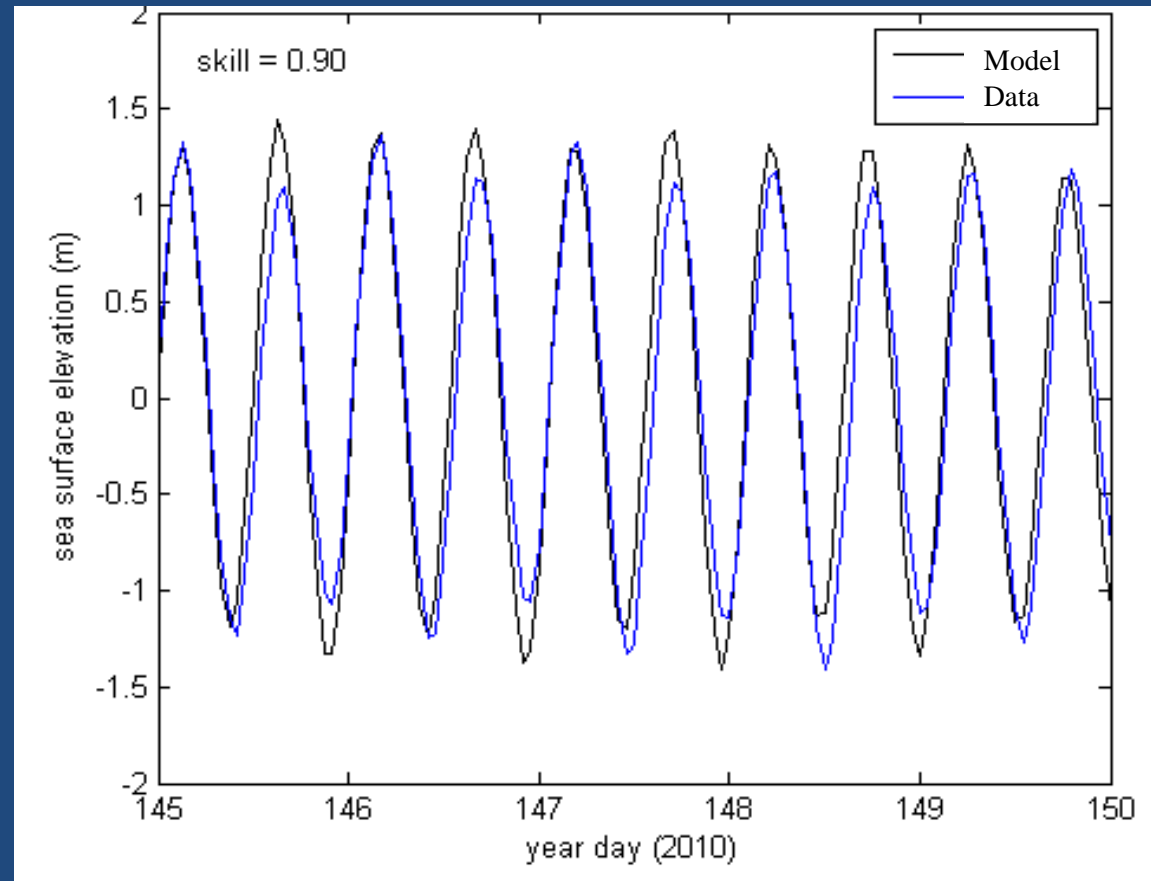


Grid resolution is 100-500 m ( $\sim \frac{1}{4}$  mile)



## 2. Model Calibration

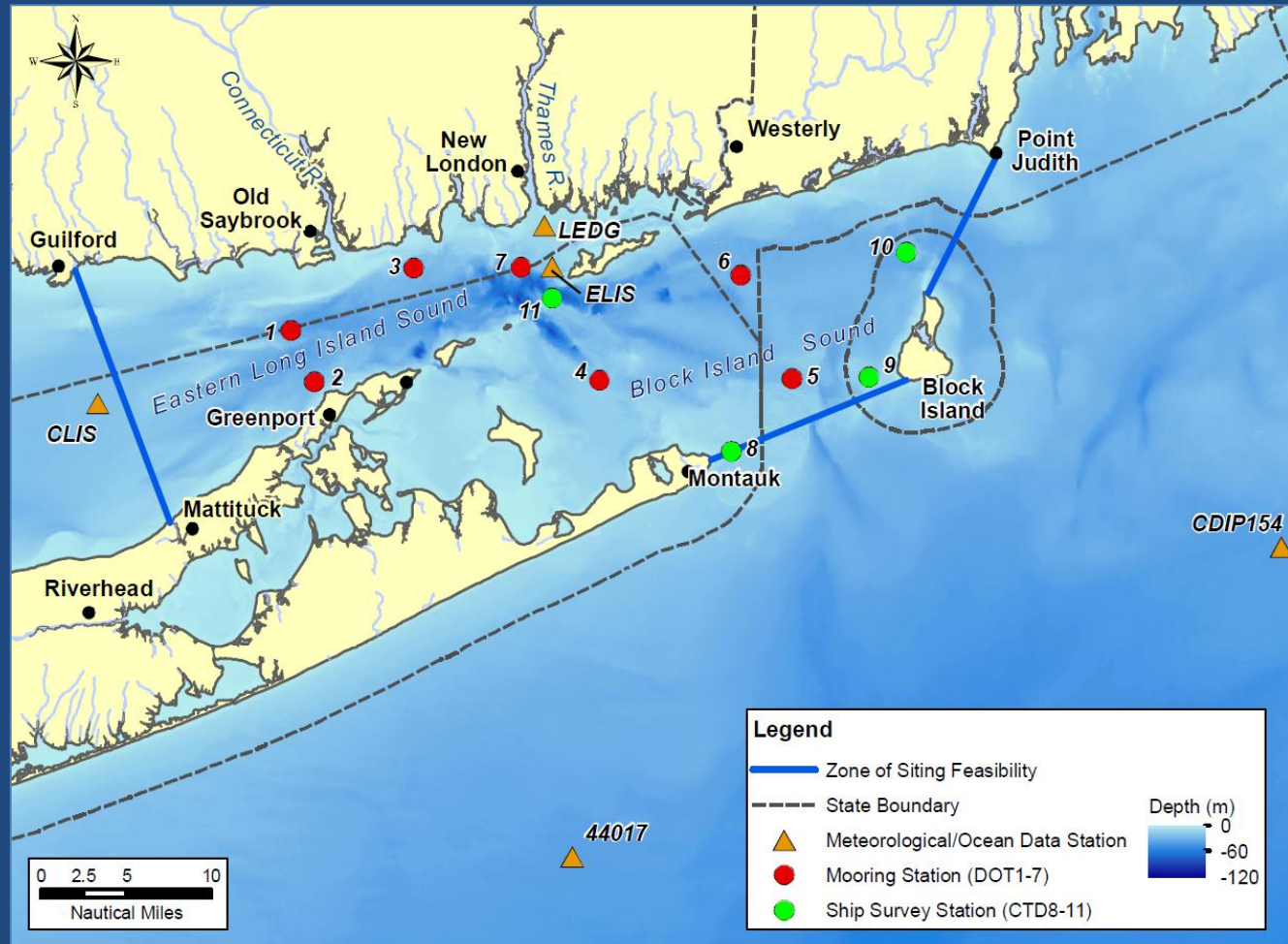
- Optimize the simulation of sea level, temperature, and salinity compared to observations
- Determine the Skill (variance in data explained/variance in data) to be 90%



*Comparison of tidal heights at the NOAA Bridgeport tidal height gauge (BDR, blue) compared to those predicted by the FVCOM model (black) after iteratively calibrating the model using the 2010 NOAA data . Note that year day 1 is January 1, 2010.*

# 3. Evaluation – Field Program

- Deploy instruments on 7 bottom tripods for 3 two-month observation campaigns to observe spring, fall winter conditions at locations having differing stresses etc
- Conduct 6 cruises with water column measurements at the 7 tripod stations and 4 additional stations



Survey stations in the ZSF, as well as meteorological/ocean stations. The background represents water depth.

# Survey periods

Campaign	Period	Interval	Conditions
1	Spring	March 12 - May 17, 2013 (66 days)	High river flow High wind
2	Summer	June 11 – Aug. 8, 2013 (58 days)	Low river flow, Low wind
3	Winter	Nov. 20, 2013 – Jan. 16, 2014 (57 days)	Low river flow, High wind

# Moored Instruments

## Sensors:

- Water column currents and waves  
(*upward looking RDI ADCP*)
- Currents near Seafloor - Stress  
(*downward looking Nortek ADCP*)
- Suspended sediment concentration  
(*2 optical backscatter OBS3+*)
- Salinity and temperature  
(*CTD SBE SMP37*)



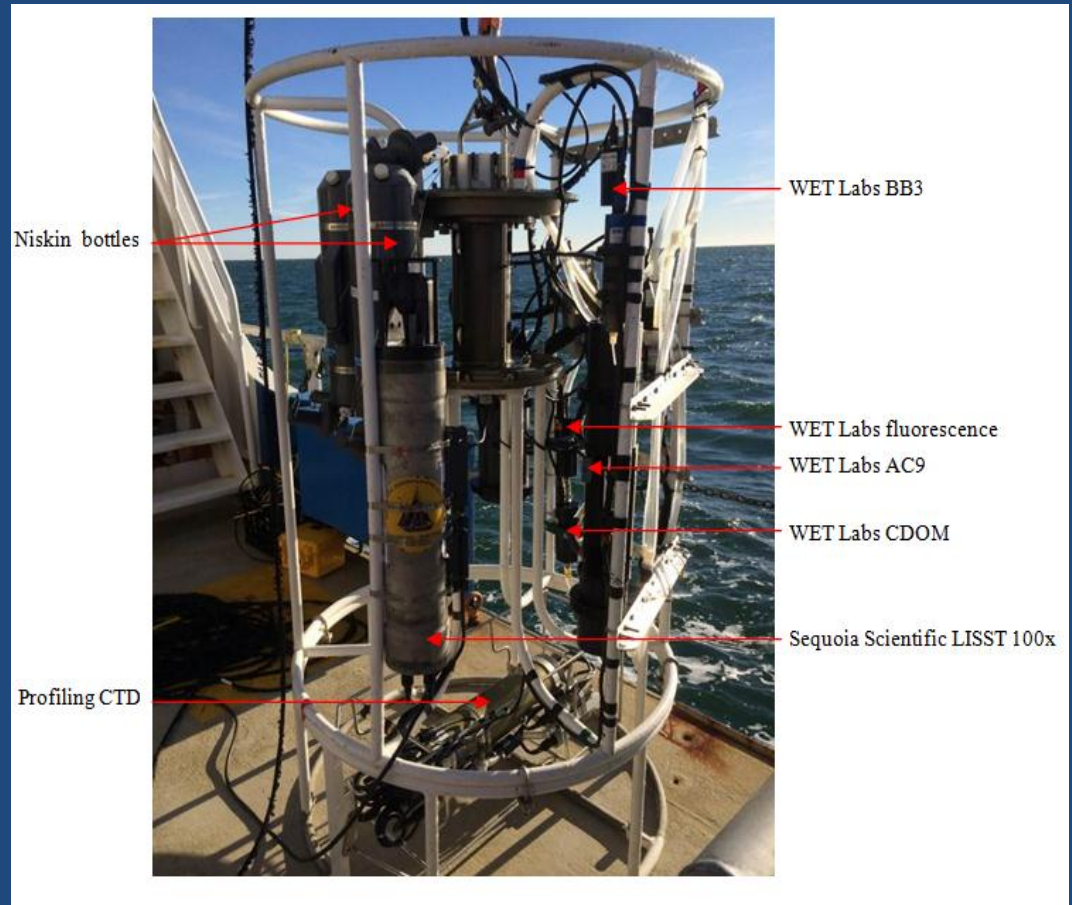
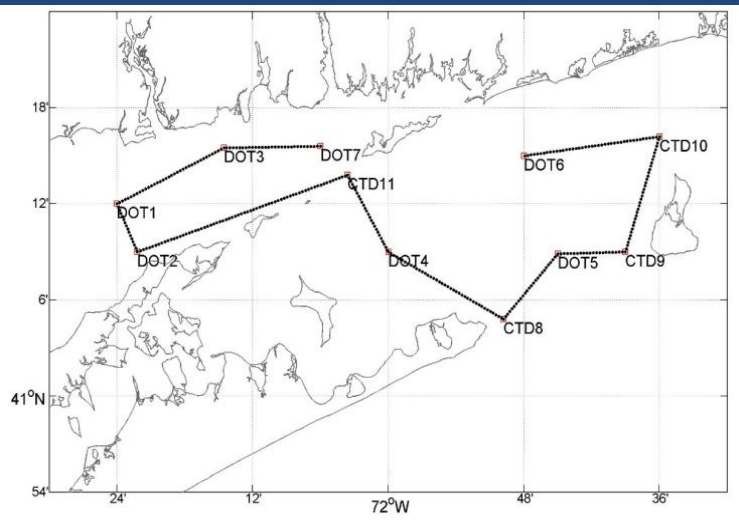
Left: Location of instruments in moored tripod frame

Right: Close-up of the OBS3+ mounts



# Ship Surveys

- Temperature and salinity  
(*Profiling CTD*)
- Suspended sediment  
(*WET Labs sensors*)
- Water sampling
- Sediment Sampling



*Rosette sampler, equipped with a profiling CTD, Water samplers, and various optical sensors and particle analyzers.*

*Example of a cruise track for ship surveys. The track varied for each cruise due to weather conditions and sea state.*